

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTY-SECOND DAY — FRIDAY, APRIL 8, 2011

The house met at 9 a.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 304).

Present — Mr. Speaker; Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Absent, Excused — Allen; Christian; Davis, Y.; Deshotel; Frullo; Geren; Mallory Caraway; Perry; Walle.

Invocations were offered by Ray Hendricks, pastor, Primitive Baptist Church, Austin, and Keith Wright, pastor, Faith Fellowship and Christian Life Center, Harker Heights.

The chair recognized Representative Madden who led the house in the pledges of allegiance to the United States and Texas flags.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business in the district:

Y. Davis on motion of Alonzo.

Frullo on motion of Ritter.

Geren on motion of Ritter.

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Mallory Caraway on motion of Gonzalez.

Perry on motion of Ritter.

Walle on motion of Ritter.

The following member was granted leave of absence for today because of illness:

Deshotel on motion of Ritter.

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Madden and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

CAPITOL PHYSICIAN

The speaker pro tempore recognized Representative L. Gonzales who presented Dr. Lamia Kadir of Austin as the "Doctor for the Day."

The house welcomed Dr. Kadir and thanked her for her participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Ritter in the chair)

HR 1097 - ADOPTED

(by D. Miller)

Representative D. Miller moved to suspend all necessary rules to take up and consider at this time **HR 1097**.

The motion prevailed.

The following resolution was laid before the house:

HR 1097, Commemorating the 170th anniversary of the French Legation.

HR 1097 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative D. Miller who introduced Dr. Gayla Lawson, JoAnn Moore, Carolyn Reed, Dr. Patricia Horridge, and Cindy Anderson.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hartnett requested permission for the Committee on Criminal Jurisprudence to meet while the house is in session, at 9:30 a.m. today, in 3W.9.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Criminal Jurisprudence, 9:30 a.m. today, 3W.9, for a formal meeting, to consider pending business.

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LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Smithee on motion of C. Anderson.

GENERAL STATE CALENDAR HOUSE BILLS THIRD READING

The following bills were laid before the house and read third time:

HB 11 ON THIRD READING

(by Cook, Hilderbran, Kolkhorst, Schwertner, Lozano, et al.)

HB 11, A bill to be entitled An Act relating to reports filed with the comptroller regarding certain alcoholic beverage sales; providing a penalty.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today because of important business in the district:

Castro on motion of Farrar.

Farias on motion of Alonzo.

HB 11 - (consideration continued)

HB 11 was passed by (Record 305): 132 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pitts; Price; Quintanilla; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Ritter(C).

Absent, Excused — Allen; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Mallory Caraway; Perry; Smithee; Walle.

Absent — Bonnen; Peña; Raymond; Torres.

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STATEMENT OF VOTE

When Record No. 305 was taken, I was in the house but away from my desk. I would have voted yes.

Torres

HB 175 ON THIRD READING

(by Jackson, Flynn, Creighton, Hochberg, Pitts, et al.)

HB 175, A bill to be entitled An Act relating to the on-premises consumption of certain alcoholic beverages; providing a penalty.

HB 175 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE GIDDINGS: For the record here, you and I have talked about this, Representative Jackson. Chairman Jackson, I just wanted to be sure there is nothing in here that would alter the distances and so forth that Dallas has for alcohol-related business around schools.

REPRESENTATIVE JACKSON: Let me read you that section. "CONSUMPTION NEAR CHURCH, SCHOOL OR HOSPITAL. A municipality or a county may enact regulations prohibiting the consumption of alcoholic beverages on the premises of a commercial establishments described in 76.02 near a church, public or private school, or public hospital in the same manner as the municipality or county may prohibit the sale of alcoholic beverages near a church, public school or private school, or public hospital."

GIDDINGS: So basically, this is giving them more protection?

JACKSON: Yes, ma'am. This puts them under the same rules as for the sale of alcohol near churches, schools, and public hospitals.

GIDDINGS: Yes, thank you very much, Representative Jackson. Sometimes, we have a word here and there, and somebody takes it and runs away with it, so I just wanted to make that clear.

REMARKS ORDERED PRINTED

Representative Giddings moved to print remarks between Representative Jackson and Representative Giddings.

The motion prevailed.

HB 175 was passed by (Record 306): 133 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel;

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Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Price; Quintanilla; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Simpson.

Present, not voting — Mr. Speaker; Ritter(C).

Absent, Excused — Allen; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Mallory Caraway; Perry; Smithee; Walle.

Absent — Guillen; Raymond.

HB 218 ON THIRD READING (by Gallego)

HB 218, A bill to be entitled An Act relating to possessing a glass container within the boundaries of certain riverbeds; providing criminal penalties.

HB 218 was passed by (Record 307): 123 Yeas, 11 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Dukes; Dutton; Eiland; Eissler; Farrar; Fletcher; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Weber; Woolley; Workman; Zedler; Zerwas.

Nays — Anderson, C.; Berman; Elkins; Flynn; Hughes; Landtroop; Laubenberg; Miller, S.; Paxton; Sheffield; White.

Present, not voting — Mr. Speaker; Ritter(C).

Absent, Excused — Allen; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Mallory Caraway; Perry; Smithee; Walle.

Absent — Jackson; Peña.

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HB 243 ON THIRD READING

(by Craddick, Martinez Fischer, Brown, Cook, Menendez, et al.)

HB 243, A bill to be entitled An Act relating to the creation of an offense for certain uses of a wireless communication device while operating a motor vehicle.

Representative Craddick moved to postpone consideration of **HB 243** until the end of today's calendar.

The motion prevailed.

HB 336 ON THIRD READING

(by Marquez)

HB 336, A bill to be entitled An Act relating to the filing and posting on the Internet of reports of political contributions and expenditures required in connection with the office of member of the board of trustees of certain school districts.

HB 336 was passed by (Record 308): 105 Yeas, 27 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Bonnen; Branch; Burkett; Burnam; Button; Cain; Carter; Chisum; Coleman; Cook; Craddick; Crownover; Davis, J.; Davis, S.; Driver; Dukes; Dutton; Eiland; Eissler; Farrar; Fletcher; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Harcastle; Harless; Harper-Brown; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Lozano; Lucio; Lyne; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Otto; Paxton; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Rodriguez; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Veasey; Villarreal; Vo; Woolley; Zedler; Zerwas.

Nays — Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Brown; Callegari; Creighton; Darby; Elkins; Flynn; Hartnett; Hilderbran; Madden; Miller, D.; Miller, S.; Orr; Parker; Patrick; Price; Riddle; Sheffield; Solomons; Weber; White; Workman.

Present, not voting — Mr. Speaker; Ritter(C).

Absent, Excused — Allen; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Mallory Caraway; Perry; Smithee; Walle.

Absent — Jackson; Legler; Peña; Turner.

STATEMENTS OF VOTE

I was shown voting no on Record No. 308. I intended to vote yes.

Patrick

I was shown voting yes on Record No. 308. I intended to vote no.

Schwertner

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HB 341 ON THIRD READING
(by Fletcher)

HB 341, A bill to be entitled An Act relating to the prosecution of and the punishment for the offense of burglary committed while evading arrest or detention.

HB 341 was passed by (Record 309): 134 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Ritter(C).

Absent, Excused — Allen; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Mallory Caraway; Perry; Smithee; Walle.

Absent — Legler; Peña.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Legler on motion of Martinez.

HB 27 ON THIRD READING
(by Guillen)

HB 27, A bill to be entitled An Act relating to the payment of fines and costs by defendants who are unable to pay the fines and costs in misdemeanor cases.

Representative Guillen moved to postpone consideration of **HB 27** until 10 a.m. today.

The motion prevailed.

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HB 125 ON THIRD READING
(by Legler, Chisum, Callegari, et al.)

HB 125, A bill to be entitled An Act relating to the regulatory analysis of rules proposed by the Texas Commission on Environmental Quality.

HB 125 was passed by (Record 310): 120 Yeas, 13 Nays, 3 Present, not voting.

Yeas — Aliseda; Alonzo; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Martinez; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alvarado; Burnam; Coleman; Gallego; Gutierrez; Hochberg; Johnson; Marquez; Martinez Fischer; Naishtat; Rodriguez; Veasey; Villarreal.

Present, not voting — Mr. Speaker; Gonzalez; Ritter(C).

Absent, Excused — Allen; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Legler; Mallory Caraway; Perry; Smithee; Walle.

Absent — Peña.

STATEMENT OF VOTE

I was shown voting yes on Record No. 310. I intended to vote no.

D. Howard

MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING

The following bills were laid before the house and read second time:

CSHB 2271 ON SECOND READING
(by Anchia)

CSHB 2271, A bill to be entitled An Act relating to the continuation and functions of the Texas Racing Commission, the abolishment of the Equine Research Account Advisory Committee, and the authority of Texas AgriLife Research; providing an administrative penalty.

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Representative Anchia moved to postpone consideration of **CSHB 2271** until after consideration of **CSHB 1808**.

The motion prevailed.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

CSHB 1808 ON SECOND READING (by Cook)

CSHB 1808, A bill to be entitled An Act relating to the continuation and functions of the State Soil and Water Conservation Board.

CSHB 1808 was passed to engrossment.

CSHB 2271 ON SECOND READING (by Anchia)

CSHB 2271, A bill to be entitled An Act relating to the continuation and functions of the Texas Racing Commission, the abolishment of the Equine Research Account Advisory Committee, and the authority of Texas AgriLife Research; providing an administrative penalty.

CSHB 2271 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Anchia offered the following amendment to **CSHB 2271**:

Floor Packet Page No. 1

Amend **CSHB 2271** (house committee printing) as follows:

(1) on page 6, lines 21 and 22, strike "determined by commission rule" and substitute "reasonably necessary, as provided by commission rule,".

(2) on page 6, line 23, insert "substantive requirements of" between the words "with" and "this"

Amendment No. 1 was adopted.

Amendment No. 2

Representative Anchia offered the following amendment to **CSHB 2271**:

Floor Packet Page No. 3

Amend **CSHB 2271** (house committee printing) as follows:

(1) On page 8, between lines 9 and 10, insert the following:

(d) An active license is effective until the license is designated as an inactive license or is surrendered, suspended, or revoked under this Act.

(2) On page 10, between lines 1 and 2, insert the following:

(c) The commission may not revoke an active license unless the commission reasonably determines that other disciplinary actions are inadequate to remedy the violation.

Amendment No. 2 was adopted.

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Amendment No. 3

Representative Coleman offered the following amendment to **CSHB 2271**:

Floor Packet Page No. 2

Amend **CSHB 2271** (house committee printing) as follows:

- (1) On page 7, line 11, strike "6.06(k)" and substitute "6.06"
- (2) On page 7, line 12, between "amended" and "to", insert: "by amending Subsection (k) and adding Subsection (k-1)".
- (3) On page 7, between lines 21 and 22, insert the following:
(k-1) Notwithstanding Subsection (k) of this section, the ownership and management of an active license that has changed ownership is not subject to review until the third anniversary of the date that the change in ownership becomes final.
- (4) On page 9, lines 4-7, strike the following:

⋮
(1) renewal of the license is not in the best interests of the racing industry or the public; or

- (2)
- (5) On page 9, between lines 14 and 15, insert the following:
(f) Notwithstanding Subsection (a) of this section, an inactive license that has changed ownership is not subject to renewal until the third anniversary of the date that the change in ownership becomes final.

Representative Anchia moved to table Amendment No. 3.

The motion to table prevailed.

Amendment No. 4

Representative Hartnett offered the following amendment to **CSHB 2271**:

Floor Packet Page No. 15

Amend **CSHB 2271** on page 7 by striking lines 11 and 12 and substituting the following:

SECTION 9. Section 6.06, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended by adding Subsection (d-1) and amending Subsection (k) to read as follows:

(d-1) For the purposes of Subsection (d) of this section, the commission shall presume subterfuge by the racetrack license holder in the original issuance of an inactive license if the racetrack license holder has not begun the conduct of live racing at the racetrack before the third anniversary of the date of the original license issuance.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of illness:

Bohac on motion of Madden.

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HB 3841 - PERMISSION TO INTRODUCE

Representative Martinez requested permission to introduce and have placed on first reading **HB 3841**.

Permission to introduce was granted by (Record 311): 130 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Lozano; Lucio; Lyne; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Peña; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Anderson, C.

Present, not voting — Mr. Speaker; Ritter(C).

Absent, Excused — Allen; Bohac; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Legler; Mallory Caraway; Perry; Smithee; Walle.

Absent — Gonzalez; Madden; Paxton.

MAJOR STATE CALENDAR (consideration continued)

CSHB 2271 - (consideration continued)

Representative Anchia moved to table Amendment No. 4.

The vote of the house was taken on the motion to table Amendment No. 4 and the vote was announced yeas 64, nays 68.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 312): 66 Yeas, 62 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Bonnen; Branch; Brown; Burnam; Chisum; Coleman; Cook; Darby; Davis, S.; Driver; Dukes; Dutton; Eiland; Eissler; Farrar; Gallego; Garza; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hernandez Luna; Hilderbran; Hochberg; Howard, D.; Hunter; Johnson; Keffer; King, S.; King, T.; Kleinschmidt; Kuempel; Larson; Lozano; Margo; Marquez; Martinez; McClendon; Menendez; Miles; Miller, D.;

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Muñoz; Murphy; Naishtat; Otto; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Scott; Simpson; Smith, W.; Strama; Villarreal; Vo; Woolley.

Nays — Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Burkett; Button; Cain; Carter; Craddick; Creighton; Crownover; Davis, J.; Elkins; Fletcher; Flynn; Giddings; Gonzales, L.; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Isaac; Jackson; King, P.; Kolkhorst; Landtroop; Laubenberg; Lavender; Lewis; Madden; Martinez Fischer; Miller, S.; Morrison; Nash; Orr; Parker; Patrick; Paxton; Phillips; Schwertner; Sheets; Sheffield; Shelton; Smith, T.; Solomons; Taylor, L.; Taylor, V.; Thompson; Truitt; Turner; Veasey; Weber; White; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Ritter(C).

Absent, Excused — Allen; Bohac; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Legler; Mallory Caraway; Perry; Smithee; Walle.

Absent — Callegari; Lucio; Lyne; Oliveira; Peña; Torres.

The chair stated that the motion to table Amendment No. 4 prevailed by the above vote.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Peña on motion of Guillen.

The following member was granted leave of absence for the remainder of today because of illness:

Oliveira on motion of Lozano.

The following members were granted leaves of absence for the remainder of today because of important business in the district:

Callegari on motion of S. Miller.

Lyne on motion of Hardcastle.

CSHB 2271 - (consideration continued)

Amendment No. 5

Representative Hartnett offered the following amendment to **CSHB 2271**:
Floor Packet Page No. 4

Amend **CSHB 2271** (house committee printing) on page 8 by striking lines 3-6 and substituting the following:

active license if the license holder has held a live racing event at the racetrack within the three years preceding the designation.

(c) The commission shall designate a racetrack license as an inactive license if the license holder has not held a live racing event at the racetrack in more than three years.

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(d) Not later than the 30th day after the third anniversary of the date a new racetrack

Amendment No. 5 was withdrawn.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Lucio on motion of Hernandez Luna.

CSHB 2271 - (consideration continued)

Amendment No. 6

Representative Coleman offered the following amendment to **CSHB 2271**:

Floor Packet Page No. 5

Amend **CSHB 2271** (house committee printing) as follows:

(1) On page 9, between lines 14 and 15, insert the following:

(f) Notwithstanding Subsection (a) of this section, an inactive license that has changed ownership is not subject to renewal until the fourth anniversary of that date the change in ownership becomes final.

Amendment No. 6 was withdrawn.

Amendment No. 7

Representative Miles offered the following amendment to **CSHB 2271**:

Floor Packet Page No. 6

Amend **CSHB 2271** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Article 3, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended by adding Section 3.23 to read as follows:

Sec. 3.23. HISTORICALLY UNDERUTILIZED BUSINESSES. (a) The commission by rule shall establish a policy to require racetrack license holders to contract with vendors that are historically underutilized businesses under Chapter 2161, Government Code. To the extent practical, the policy must comply with that chapter.

(b) Acceptance of a racetrack license under this Act constitutes an agreement by the racetrack license holder to contract with vendors in accordance with the policy established under Subsection (a) of this section.

Amendment No. 7 was withdrawn.

Amendment No. 8

Representative Martinez Fischer offered the following amendment to **CSHB 2271**:

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Floor Packet Page No. 7

Amend **CSHB 2271** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Article 6, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended by adding Section 6.011 to read as follows:

Sec. 6.011. LOCAL OPTION ELECTION FOR NEW RACETRACK LICENSE. (a) Notwithstanding any other provision of this Act, the commission may not issue an original racetrack license under this Act after September 1, 2011, unless the issuance of the racetrack license is approved at a local option election in the political subdivision in which the racetrack will be located.

(b) A racetrack license subject to this section is approved at a local option election if 60 percent or more of the qualified voters voting in the election approve issuance of the license.

(c) To the extent practicable, an election under this section shall be conducted in the manner provided by Chapter 501, Election Code, for a local option election on the sale of alcoholic beverages, except that the governing body of the political subdivision shall order the election on written notice from the commission that the commission is considering an application for a license for a racetrack in the political subdivision.

(d) The commission shall adopt rules to implement this section.

Amendment No. 8 was withdrawn.

Amendment No. 9

Representative Martinez Fischer offered the following amendment to **CSHB 2271**:

Floor Packet Page No. 11

Amend **CSHB 2271** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Section 6.093, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding any other provision of this Act, the portion of a pari-mutuel pool set aside for the state under this section may not include any money retained from outstanding tickets that are not awarded.

Amendment No. 10

Representative Isaac offered the following amendment to Amendment No. 9:

Amend Amendment No. 9 by Martinez Fischer to **CSHB 2271** by adding the following appropriately numbered item to the amendment:

(_____) Add the following section to the bill, numbered appropriately:

SECTION _____. Notwithstanding any provision of another Act of the 82nd Legislature, Regular Session, 2011, including **HB 1** or any other general appropriations bill that is enacted and becomes law, and notwithstanding the

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relative effective dates of this Act and any other Act of the 82nd Legislature, Regular Session, that appropriates money to the Texas Racing Commission for the state fiscal biennium beginning September 1, 2012, the Texas Racing Commission is not appropriated any general revenue for the state fiscal biennium beginning September 1, 2012.

Amendment No. 10 - Point of Order

Representative Anchia raised a point of order against further consideration of Amendment No. 10 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The chair sustained the point of order.

The ruling precluded further consideration of Amendment No. 10.

Amendment No. 9 was withdrawn.

Amendment No. 11

Representative Hamilton offered the following amendment to **CSHB 2271**:
Floor Packet Page No. 13

Amend **CSHB 2271** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Section 6.04, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended by adding Subsection (a-1) to read as follows:

(a-1) The commission shall issue a racetrack license to a qualified person not later than the 180th day after the date the background check of the applicant is complete under Section 6.031 of this Act.

Amendment No. 12

Representative Hamilton offered the following amendment to Amendment No. 11:

Amend Amendment No. 11 by Hamilton to **CSHB 2271** (page 13 of the prefiled amendments packet) on page 1 of the amendment by striking lines 7-10 and substituting the following:

(a-1) The commission shall make a determination with respect to a pending application not later than the 120th day after the date on which all of the requirements of licensure for the applicant described in this article have been satisfied.

Amendment No. 12 was adopted.

Amendment No. 11, as amended, was adopted.

Amendment No. 13

Representative Hartnett offered the following amendment to **CSHB 2271**:

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Floor Packet Page No. 14

Amend **CSHB 2271** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Section 6.06, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended by adding Subsection (l) to read as follows:

(l) The commission shall revoke or suspend a racetrack license if, after notice and hearing, it has reasonable grounds to believe and finds that the license holder has not conducted any live or simulcast greyhound or horse racing during the four years preceding the consideration by the commission to revoke or suspend the license.

Amendment No. 14

Representative Hartnett offered the following amendment to Amendment No. 13:

Amend Amendment No. 13 by Hartnett to **CSHB 2271** (page 14 of the prefilled amendments packet) as follows:

(1) On page 1, lines 5-6, strike "Subsection (l)" and substitute "Subsections (l) and (m)".

(2) On page 1, line 10, strike "or simulcast".

(3) On page 1, line 10, strike "four" and substitute "three".

(4) On page 1, after line 12, insert the following:

(m) The three year period under Subsection (l) of this section begins on the later of September 1, 2011, or the date a new racetrack license is issued under this Act.

Amendment No. 14 was withdrawn.

Amendment No. 13 was withdrawn.

Amendment No. 15

Representative Hartnett offered the following amendment to **CSHB 2271**:

Floor Packet Page No. 16

Amend **CSHB 2271** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Section 6.14, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended by adding Subsection (e) to read as follows:

(e) The commission may not amend a racetrack license to change the location of a racetrack to a location that is more than 60 miles from the location for which the license was originally issued.

Representative Hamilton moved to table Amendment No. 15.

The motion to table prevailed by (Record 313): 74 Yeas, 53 Nays, 2 Present, not voting.

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Yeas — Aliseda; Alonzo; Alvarado; Anderson, R.; Beck; Bonnen; Burkett; Burnam; Coleman; Cook; Crownover; Darby; Davis, S.; Driver; Dukes; Dutton; Eiland; Eissler; Farrar; Gallego; Garza; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hamilton; Hardcastle; Harper-Brown; Hernandez Luna; Hochberg; Hopson; Howard, D.; Huberty; Hunter; Johnson; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lozano; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Muñoz; Naishtat; Nash; Orr; Otto; Pickett; Pitts; Quintanilla; Reynolds; Riddle; Ritter(C); Rodriguez; Schwertner; Scott; Smith, W.; Strama; Taylor, L.; Veasey; Villarreal; Vo; Woolley; Zerwas.

Nays — Anderson, C.; Aycock; Berman; Branch; Brown; Button; Cain; Carter; Chisum; Craddick; Creighton; Davis, J.; Elkins; Fletcher; Flynn; Giddings; Guillen; Hancock; Harless; Hartnett; Hilderbran; Howard, C.; Hughes; Isaac; Jackson; Keffer; King, P.; Landtroop; Laubenberg; Lavender; Lewis; Madden; Murphy; Parker; Patrick; Paxton; Phillips; Price; Raymond; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Solomons; Taylor, V.; Thompson; Truitt; Turner; Weber; White; Workman; Zedler.

Present, not voting — Mr. Speaker; Anchia.

Absent, Excused — Allen; Bohac; Callegari; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Legler; Lucio; Lyne; Mallory Caraway; Oliveira; Peña; Perry; Smithee; Walle.

Absent — Morrison; Torres.

STATEMENTS OF VOTE

I was shown voting no on Record No. 313. I intended to vote yes.

Branch

I was shown voting no on Record No. 313. I intended to vote yes.

Hilderbran

When Record No. 313 was taken, I was in the house but away from my desk. I would have voted no.

Torres

Amendment No. 16

Representative Martinez Fischer offered the following amendment to **CSHB 2271**:

Floor Packet Page No. 20

Amend **CSHB 2271** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. (a) The Texas Racing Commission shall conduct a study on the importance, necessity, and effectiveness of expanding the types of gaming offered at horse and greyhound racetracks in this state and at other locations throughout this state. The study must address:

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(1) economic benefits;
(2) the effect expanding the types of gaming would have on local areas;
(3) gambling addiction in other states that have authorized expanded gaming; and

(4) the economic impact on states that have expanded the types of gaming offered in those states.

(b) Not later than December 1, 2011, the Texas Racing Commission shall:

(1) prepare a report on the study conducted under Subsection (a) of this section, which must be signed and ratified by five of the appointed members of the commission; and

(2) file a copy of the report with the speaker of the house of representatives, the lieutenant governor, and the governor.

(c) Notwithstanding any other law enacted by the 82nd Legislature to expand gaming in this state, the Texas Racing Commission or any other state agency may not take actions to expand gaming in this state before January 1, 2012.

Amendment No. 16 was withdrawn.

Amendment No. 17

Representative Gutierrez offered the following amendment to **CSHB 2271**:
Floor Packet Page No. 21

Amend **CSHB 2271** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. (a) The Texas Racing Commission shall establish a panel to conduct a comprehensive and objective study to determine the economic impact of authorizing gaming at horse and greyhound racetracks in this state other than pari-mutuel wagering on horse and greyhound races.

(b) The panel established by the Texas Racing Commission under Subsection (a) of this section is composed of 16 members as follows:

(1) the chair of the Texas Conservative Coalition;
(2) the chair of the Texas Legislative Study Group;
(3) the chair of the Republican Caucus of the house of representatives;
(4) the chair of the Democratic Caucus of the house of representatives;
(5) the chair of the House Committee on Licensing and Administrative Procedures;

(6) the executive director of the Texas Racing Commission;
(7) five senators appointed by the lieutenant governor; and
(8) five members appointed by the governor, two of which must represent the faith-based community.

(c) Not later than December 15, 2012, the panel established under this section shall prepare a report on the study conducted under this section, including the panel's findings, and provide a copy of the report to each member of the legislature.

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Amendment No. 18

Representative Martinez Fischer offered the following amendment to Amendment No. 17:

Amend Amendment No. 17 by Gutierrez to **CSHB 2271** (page 21 of the prefiled amendments packet) on page 1, line 8, following the period, by adding the following:

The study must address:

- (1) the effect that expanding the types of gaming would have on local areas;
- (2) gambling addiction in other states that have authorized expanded gaming; and
- (3) the economic impact on states that have expanded the types of gaming offered in those states.

Amendment No. 18 was adopted.

Amendment No. 19

Representative Zedler offered the following amendment to Amendment No. 17:

Amend Amendment No. 17 by Gutierrez to **CSHB 2271** (page 21 of the prefiled amendments packet) as follows:

- (1) On page 1, line 5, strike "panel" and substitute "board".
- (2) On page 1, line 6, strike "gaming" and substitute "gambling".
- (3) On page 1, line 9, strike "panel" and substitute "board".
- (4) On page 1, line 10, strike "16" and substitute "17".
- (5) On page 1, strike lines 24-29, and substitute the following:
 - (8) six members appointed by the governor, two of whom must represent the faith-based community and one of whom must represent the public.
- (c) The members of the board established under this section shall elect a presiding officer from among the membership. The presiding officer shall coordinate the activities of the board.
- (d) The study required by Subsection (a) of this section at a minimum must include an examination of:
 - (1) the positive economic impact of legalized gambling in this state;
 - (2) the negative economic impact of legalized gambling in this state;
 - (3) the likely fiscal impact of legalized gambling in this state on the provision of social and criminal justice services in:
 - (A) this state;
 - (B) counties in this state; and
 - (C) municipalities in this state; and
 - (4) the economic, business, and state budgetary climate of each state that has authorized at least the same level of gambling studied by the board.
- (e) Not later than December 15, 2012, the board established under this section shall prepare a report on the study conducted under this section, including the board's findings, and provide a copy of the report to each member of the legislature and to the Legislative Reference Library.

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(f) The board established under this section is subject to Chapter 551, Government Code.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Huberty on motion of Cook.

CSHB 2271 - (consideration continued)

Amendment No. 19 was adopted.

Amendment No. 20

Representative Phillips offered the following amendment to Amendment No. 17:

Amend Amendment No. 17 by Gutierrez to **CSHB 2271** (page 21 of the prefiled amendment packet) on page 1, by striking lines 12 through 19, and substituting the following:

- (1) the chair of the House Licensing and Administration Committee;
- (2) the chair of the House Culture, Recreation, and Tourism Committee;
- (3) the chair of the House State Affairs Committee;
- (4) the chair of the House Agriculture and Livestock Committee;
- (5) the chair of the House Public Health Committee;

Amendment No. 20 was adopted.

Amendment No. 21

Representative Lozano offered the following amendment to Amendment No. 17:

Amend Amendment No. 17 by Gutierrez to **CSHB 2271** (page 21 of the prefiled amendments packet) as follows:

- (1) On page 1, line 10, strike "16" and substitute "21".
- (2) On page 1, line 23, strike "and".
- (3) On page 1, between lines 23-24, insert the following:
 - (8) five members of the House of Representatives appointed by the Speaker of the House of Representatives; and
- (4) On page 1, line 24, strike "(8)" and substitute "(9)".

Amendment No. 21 was adopted.

Amendment No. 17, as amended, failed of adoption by (Record 314): 4 Yeas, 119 Nays, 2 Present, not voting.

Yeas — Anderson, C.; Burnam; Gutierrez; Raymond.

Nays — Aliseda; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Carter; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Garza;

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Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Lozano; Madden; Margo; Marquez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pitts; Price; Quintanilla; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Solomons; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Ritter(C).

Absent, Excused — Allen; Bohac; Callegari; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Huberty; Legler; Lucio; Lyne; Mallory Caraway; Oliveira; Peña; Perry; Smithee; Walle.

Absent — Gallego; Hardcastle; Hochberg; Martinez; Thompson.

STATEMENT OF VOTE

When Record No. 314 was taken, I was in the house but away from my desk. I would have voted no.

Gallego

Amendment No. 22

Representative Coleman offered the following amendment to **CSHB 2271**:

Floor Packet Page No. 5

Amend **CSHB 2271** (house committee printing) as follows:

(1) On page 9, between lines 14 and 15, insert the following:

(f) Notwithstanding Subsection (a) of this section, an inactive license that has changed ownership is not subject to renewal until the fourth anniversary of that date the change in ownership becomes final.

Amendment No. 23

Representative Coleman offered the following amendment to Amendment No. 22:

Amend Amendment No. 22 by Coleman to **CSHB 2271** (page 5 of the prefiled amendments packet) by striking the text of the amendment and substituting the following:

(1) On page 9, between lines 14 and 15, insert the following:

(f) The commission by rule shall establish criteria to make the determinations under Subsections (c)(1) and (2).

(g) Notwithstanding any other provision of this section, any change in ownership during renewal of an inactive license or during the process to refuse renewal under this section has no effect on the renewal process timeline.

(2) On page 17, between lines 4 and 5, insert the following:

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(c) Notwithstanding Section 6.0602, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), as added by this Act, the Texas Racing Commission may not refuse to renew an inactive racetrack license under that section before September 1, 2014.

(3) Reletter the subsequent subsections of SECTION 27 of the bill accordingly.

Amendment No. 23 was withdrawn.

Amendment No. 22 was withdrawn.

Amendment No. 24

Representative Miles offered the following amendment to **CSHB 2271**:

Floor Packet Page No. 6

Amend **CSHB 2271** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Article 3, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended by adding Section 3.23 to read as follows:

Sec. 3.23. HISTORICALLY UNDERUTILIZED BUSINESSES. (a) The commission by rule shall establish a policy to require racetrack license holders to contract with vendors that are historically underutilized businesses under Chapter 2161, Government Code. To the extent practical, the policy must comply with that chapter.

(b) Acceptance of a racetrack license under this Act constitutes an agreement by the racetrack license holder to contract with vendors in accordance with the policy established under Subsection (a) of this section.

Amendment No. 25

Representative Miles offered the following amendment to Amendment No. 24:

Amend Amendment No. 24 by Miles to **CSHB 2271** (House Committee Printing) by striking lines 7 through 15 and substituting the following:

Sec. 3.23. HISTORICALLY UNDERUTILIZED BUSINESSES. In issuing and renewing a racetrack license, the commission shall:

(1) encourage broad base participation in employment and contracting opportunities;

(2) encourage the development and implementation of a good faith plan for participation of historically underutilized businesses under Chapter 2161, Government Code; and

(3) monitor and document the commission's actions and efforts under Subdivisions (1) and (2) of this section.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Woolley on motion of Kleinschmidt.

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CSHB 2271 - (consideration continued)

Amendment No. 25 was adopted.

Amendment No. 24, as amended, failed of adoption by (Record 315): 41 Yeas, 81 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, R.; Burnam; Coleman; Dukes; Dutton; Eiland; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo.

Nays — Anderson, C.; Aycock; Beck; Berman; Branch; Brown; Burkett; Button; Cain; Carter; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Eissler; Elkins; Fletcher; Flynn; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Price; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Ritter(C).

Absent, Excused — Allen; Bohac; Callegari; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Huberty; Legler; Lucio; Lyne; Mallory Caraway; Oliveira; Peña; Perry; Smithee; Walle; Woolley.

Absent — Bonnen; Driver; Garza; Hernandez Luna; Hilderbran.

STATEMENTS OF VOTE

When Record No. 315 was taken, my vote failed to register. I would have voted no.

Bonnen

When Record No. 315 was taken, my vote failed to register. I would have voted no.

Hilderbran

Amendment No. 26

Representative Hartnett offered the following amendment to **CSHB 2271**:
Floor Packet Page No. 14

Amend **CSHB 2271** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Section 6.06, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended by adding Subsection (l) to read as follows:

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(l) The commission shall revoke or suspend a racetrack license if, after notice and hearing, it has reasonable grounds to believe and finds that the license holder has not conducted any live or simulcast greyhound or horse racing during the four years preceding the consideration by the commission to revoke or suspend the license.

Amendment No. 27

Representative Hartnett offered the following amendment to Amendment No. 26:

Amend Amendment No. 26 by Hartnett to **CSHB 2271** (page 14 of the prefiled amendments packet) as follows:

(1) On page 1, lines 5-6, strike "Subsection (l)" and substitute "Subsections (l) and (m)".

(2) On page 1, line 7, strike "a racetrack" and substitute "an inactive".

(3) On page 1, line 10, strike "or simulcast".

(4) On page 1, line 10, strike "four" and substitute "three".

(5) On page 1, after line 12, insert the following:

(m) The three year period under Subsection (l) of this section begins on the later of September 1, 2011, or the date a new racetrack license is issued under this Act.

Amendment No. 27 was adopted.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today because of important business in the district:

Giddings on motion of Raymond.

Turner on motion of Raymond.

CSHB 2271 - (consideration continued)

Amendment No. 26, as amended, was adopted by (Record 316): 88 Yeas, 35 Nays, 2 Present, not voting.

Yeas — Aliseda; Alvarado; Anchia; Anderson, C.; Anderson, R.; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Carter; Chisum; Cook; Craddick; Creighton; Crownover; Davis, J.; Driver; Eissler; Elkins; Fletcher; Flynn; Gonzales, L.; Gonzalez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Hopson; Howard, C.; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Madden; Margo; Menendez; Miller, D.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pitts; Price; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Veasey; Vo; Weber; White; Workman; Zedler; Zerwas.

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Nays — Alonzo; Aycock; Beck; Burnam; Coleman; Darby; Davis, S.; Dukes; Dutton; Eiland; Farrar; Gallego; Gonzales, V.; Gooden; Guillen; Gutierrez; Howard, D.; Johnson; King, T.; Lozano; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Miller, S.; Muñoz; Naishtat; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Simpson; Villarreal.

Present, not voting — Mr. Speaker; Ritter(C).

Absent, Excused — Allen; Bohac; Callegari; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Giddings; Huberty; Legler; Lucio; Lyne; Mallory Caraway; Oliveira; Peña; Perry; Smithee; Turner; Walle; Woolley.

Absent — Garza; Hernandez Luna.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 316. I intended to vote no.

Alvarado

I was shown voting yes on Record No. 316. I intended to vote no.

Gonzalez

I was shown voting yes on Record No. 316. I intended to vote no.

Vo

Amendment No. 28

Representative Coleman offered the following amendment to **CSHB 2271**:
Floor Packet Page No. 5

Amend **CSHB 2271** (house committee printing) as follows:

(1) On page 9, between lines 14 and 15, insert the following:

(f) Notwithstanding Subsection (a) of this section, an inactive license that has changed ownership is not subject to renewal until the fourth anniversary of that date the change in ownership becomes final.

Amendment No. 29

Representative Coleman offered the following amendment to Amendment No. 28:

Amend Amendment No. 28 by Coleman to **CSHB 2271** (page 5 of the prefiled amendments packet) by striking the text of the amendment and substituting the following:

(1) On page 9, between lines 14 and 15, insert the following:

(f) The commission by rule shall establish criteria to make the determinations under Subsections (c)(1) and (2).

Amendment No. 29 was adopted.

Amendment No. 28, as amended, was adopted.

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CSHB 2271 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE ISAAC: Representative Anchia, is it your understanding that the Texas Racing Commission will not receive funding from general revenue?

REPRESENTATIVE ANCHIA: That is correct. After this bill, we expect it to be completely self-levelling.

ISAAC: Great. Thank you.

REMARKS ORDERED PRINTED

Representative Isaac moved to print remarks by Representative Anchia and Representative Isaac.

The motion prevailed.

CSHB 2271, as amended, was passed to engrossment. (Berman, Creighton, Flynn, Lavender, Simpson, and White recorded voting no.)

REASON FOR VOTE

I am opposed to the state's facilitation of sponsoring or involvement in gambling.

Simpson

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

HB 27 ON THIRD READING
(by Guillen)

HB 27, A bill to be entitled An Act relating to the payment of fines and costs by defendants who are unable to pay the fines and costs in misdemeanor cases.

HB 27 was read third time earlier today and was postponed until this time.

Amendment No. 1

Representative Alonzo offered the following amendment to **HB 27**:

Amend **HB 27** on third reading as follows:

(1) In SECTION 2 of the bill, strike added Article 42.15(c), Code of Criminal Procedure, and substitute the following:

(c) When imposing a fine and costs in a misdemeanor case, if the court determines that the defendant is unable to immediately pay the fine and costs, the court shall allow the defendant to pay the fine and costs in specified portions at designated intervals.

(2) In SECTION 3 of the bill, strike added Section 45.041(b-2), Code of Criminal Procedure, and substitute the following:

(b-2) When imposing a fine and costs, if the justice or judge determines that the defendant is unable to immediately pay the fine and costs, the justice or judge shall allow the defendant to pay the fine and costs in specified portions at designated intervals.

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Amendment No. 1 was adopted.

HB 27, as amended, was passed by (Record 317): 80 Yeas, 42 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Beck; Branch; Brown; Burkett; Burnam; Chisum; Coleman; Davis, J.; Davis, S.; Driver; Dukes; Dutton; Eiland; Eissler; Farrar; Gallego; Garza; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hamilton; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Hunter; Isaac; Jackson; Johnson; Keffer; King, S.; King, T.; Kolkhorst; Kuempel; Landtroop; Lozano; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Patrick; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Scott; Sheets; Shelton; Simpson; Strama; Taylor, V.; Thompson; Truitt; Veasey; Villarreal; Vo; White; Zerwas.

Nays — Anderson, C.; Anderson, R.; Aycock; Berman; Bonnen; Button; Cain; Carter; Cook; Craddick; Creighton; Crownover; Darby; Elkins; Fletcher; Flynn; Gooden; Hancock; Harper-Brown; Howard, C.; Hughes; King, P.; Kleinschmidt; Larson; Laubenberg; Lavender; Lewis; Miller, S.; Morrison; Parker; Paxton; Phillips; Pitts; Price; Riddle; Schwertner; Sheffield; Smith, T.; Smith, W.; Weber; Workman; Zedler.

Present, not voting — Mr. Speaker; Ritter(C).

Absent, Excused — Allen; Bohac; Callegari; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Giddings; Huberty; Legler; Lucio; Lyne; Mallory Caraway; Oliveira; Peña; Perry; Smithee; Turner; Walle; Woolley.

Absent — Solomons; Taylor, L.; Torres.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 317. I intended to vote no.

Driver

I was shown voting yes on Record No. 317. I intended to vote no.

Kuempel

When Record No. 317 was taken, I was in the house but away from my desk. I would have voted no.

L. Taylor

GENERAL STATE CALENDAR HOUSE BILLS SECOND READING

The following bills were laid before the house and read second time:

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CSHB 362 ON SECOND READING
(by Solomons, et al.)

CSHB 362, A bill to be entitled An Act relating to the regulation by a property owners' association of the installation of solar energy devices and certain roofing materials on property.

Amendment No. 1

Representative Solomons offered the following amendment to **CSHB 362**:

Amend **CSHB 362** (house committee printing) as follows:

- (1) On page 3, line 14, after "from installing", strike the colon.
- (2) Strike page 3, line 15, through page 4, line 3, and substitute the following:
shingles that:

- (1) are designed primarily to:
 - (A) be wind and hail resistant;
 - (B) provide heating and cooling efficiencies greater than those provided by customary composite shingles; and
 - (C) provide solar generation capabilities; and
- (2) when installed:
 - (A) resemble the shingles used or otherwise authorized for use on property in the subdivision;
 - (B) are more durable than and are of equal or superior quality to the shingles described by Paragraph (A); and
 - (C) match the aesthetics of the property surrounding the owner's property.

Amendment No. 1 was adopted.

CSHB 362, as amended, was passed to engrossment. (Berman and White recorded voting no.)

HB 364 ON SECOND READING
(by Turner)

HB 364, A bill to be entitled An Act relating to condominiums in certain municipalities, including the exercise of eminent domain authority by those municipalities with respect to certain condominiums.

Representative Thompson moved to postpone consideration of **HB 364** until 10 a.m. Monday, April 11.

The motion prevailed.

CSHB 411 ON SECOND READING
(by Laubenberg and Crownover)

CSHB 411, A bill to be entitled An Act relating to the confidentiality of newborn screening information.

Amendment No. 1

Representative Crownover offered the following amendment to **CSHB 411**:

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Amend **CSHB 411** (house committee printing) on page 1 by striking lines 19-21 and substituting the following:

(5) "Public health purpose" means a purpose that relates to cancer, a birth defect, an infectious disease, a chronic disease, environmental exposure, or newborn screening.

Amendment No. 1 was adopted.

CSHB 411, as amended, was passed to engrossment.

HB 443 ON SECOND READING
(by Fletcher, Gonzalez, and White)

HB 443, A bill to be entitled An Act relating to the amount of the fee paid by a defendant for a peace officer's services in executing or processing an arrest warrant, capias, or capias pro fine.

Representative Fletcher moved to postpone consideration of **HB 443** until the end of today's calendar.

The motion prevailed.

HB 630 ON SECOND READING
(by Pickett and W. Smith)

HB 630, A bill to be entitled An Act relating to the authority of the Texas Department of Transportation, counties, regional tollway authorities, and regional mobility authorities to enter into funding agreements to expedite the entity's environmental review duties related to certain transportation projects.

HB 630 was passed to engrossment.

CSHB 2193 ON SECOND READING
(by Truitt)

CSHB 2193, A bill to be entitled An Act relating to service and qualifications for membership on an advisory committee established by the Employees Retirement System of Texas to provide advice to the board of trustees on investments and investment-related issues.

CSHB 2193 was passed to engrossment.

RESOLUTIONS CALENDAR

The chair laid before the house the following resolutions on committee report:

HCR 18
(by Creighton, Raymond, Bohac, Truitt, Peña, et al.)

HCR 18, Urging Congress to propose and submit to the states an amendment to the United States Constitution providing for a federal balanced budget.

Representative Creighton moved to postpone consideration of **HCR 18** until 10 a.m. Wednesday, April 13.

The motion prevailed.

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POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

HB 243 ON THIRD READING

(by Craddick, Martinez Fischer, Brown, Cook, Menendez, et al.)

HB 243, A bill to be entitled An Act relating to the creation of an offense for certain uses of a wireless communication device while operating a motor vehicle.

HB 243 was read third time earlier today and was postponed until this time.

HB 243 was passed by (Record 318): 107 Yeas, 16 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Carter; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Dukes; Eiland; Eissler; Farrar; Fletcher; Gallego; Garza; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kuempel; Landtroop; Lavender; Lewis; Lozano; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Phillips; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Solomons; Strama; Taylor, L.; Thompson; Truitt; Veasey; Villarreal; Vo; White; Workman; Zedler; Zerwas.

Nays — Anderson, R.; Dutton; Elkins; Flynn; Hughes; Johnson; King, T.; Kolkhorst; Larson; Laubenberg; Miller, S.; Paxton; Simpson; Taylor, V.; Torres; Weber.

Present, not voting — Mr. Speaker; Ritter(C).

Absent, Excused — Allen; Bohac; Callegari; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Giddings; Huberty; Legler; Lucio; Lyne; Mallory Caraway; Oliveira; Peña; Perry; Smithee; Turner; Walle; Woolley.

Absent — Gutierrez; Pickett.

STATEMENT OF VOTE

I was shown voting no on Record No. 318. I intended to vote yes.

Kolkhorst

REASON FOR VOTE

While addressing the dangers of texting while driving is critical, **HB 243** is crafted in a way that will be very difficult for police to fairly enforce. It is almost impossible to distinguish between a driver writing or sending a text message, which is prohibited in the bill, and a driver reading a text message, dialing a phone number, looking at a map, or checking the clock feature, all of which are permissible under **HB 243**, until a case is heard in a court of law. **HB 243**

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essentially gives police the ability to pull over any driver they see with a cell phone in his or her hand. This legislation in its current form is not fair to Texas drivers, especially in a state with a well-documented history of racial profiling.

Johnson

**HB 443 ON SECOND READING
(by Fletcher, Gonzalez, and White)**

HB 443, A bill to be entitled An Act relating to the amount of the fee paid by a defendant for a peace officer's services in executing or processing an arrest warrant, capias, or capias pro fine.

HB 443 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Lozano offered the following amendment to **HB 443**:

Amend **HB 443** (house committee printing), on page 1, line 15, by striking "\$75" and substituting "\$95".

Amendment No. 1 was withdrawn.

HB 443 was passed to engrossment.

SB 14 - REQUEST OF SENATE GRANTED

On motion of Representative Harless, the house granted the request of the senate for the appointment of a Conference Committee on **SB 14**.

SB 14 - MOTION TO INSTRUCT CONFEREES

Representative Martinez moved to instruct the Conference Committee on **SB 14** to include a provision in the bill that requires the changes in law made by the Act to not take effect until the changes are determined by the United States attorney general or the United States District Court for the District of Columbia to have neither the purpose nor the effect of denying or abridging the right to vote on account of race or color or in contravention of the guarantees set forth in 42 U.S.C. Section 1973b(f)(2).

Representative Harless moved to table the motion to instruct the Conference Committee on **SB 14**.

The motion to table prevailed by (Record 319): 83 Yeas, 37 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Carter; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Lavender; Lewis; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Phillips; Pitts;

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Price; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Coleman; Dukes; Dutton; Eiland; Farrar; Gallego; Gonzales, V.; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker; Ritter(C).

Absent, Excused — Allen; Bohac; Callegari; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Giddings; Huberty; Legler; Lucio; Lyne; Mallory Caraway; Oliveira; Peña; Perry; Smithee; Turner; Walle; Woolley.

Absent — Garza; Gonzalez; Laubenberg; Paxton; Smith, W.

STATEMENT OF VOTE

When Record No. 319 was taken, my vote failed to register. I would have voted yes.

Laubenberg

SB 14 - MOTION TO INSTRUCT CONFEREES

Representative Anchia moved to instruct the Conference Committee on **SB 14** to follow the senate version of the bill as it relates to making the Act take effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 82nd Legislature.

Representative Harless moved to table the motion to instruct the Conference Committee on **SB 14**.

The motion to table prevailed by (Record 320): 86 Yeas, 36 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Carter; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Eissler; Elkins; Fletcher; Flynn; Gonzales, L.; Gooden; Hamilton; Hancock; Harcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Price; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Alvarado; Anchia; Burnam; Coleman; Dukes; Dutton; Eiland; Farrar; Gallego; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Veasey; Villarreal; Vo.

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Present, not voting — Mr. Speaker; Ritter(C).

Absent, Excused — Allen; Bohac; Callegari; Castro; Christian; Davis, Y.; Deshotel; Farias; Frullo; Geren; Giddings; Huberty; Legler; Lucio; Lyne; Mallory Caraway; Oliveira; Peña; Perry; Smithee; Turner; Walle; Woolley.

Absent — Driver; Garza; Pickett.

STATEMENT OF VOTE

I was shown voting yes on Record No. 320. I intended to vote no.

Alonzo

SB 14 - CONFERENCE COMMITTEE APPOINTED

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 14**: Harless, chair; Bonnen, Truitt, Aliseda, and Veasey.

FIVE-DAY POSTING RULE SUSPENDED

Representative Raymond moved to suspend the five-day posting rule to allow the Committee on Human Services to consider **HB 3051** at 1 p.m. or upon final adjournment/recess Tuesday, April 12 in E2.030.

The motion prevailed.

Representative Truitt moved to suspend the five-day posting rule to allow the Committee on Pensions, Investments, and Financial Services to consider **HB 3747** at 8 a.m. Tuesday, April 12 in E2.014.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Darby requested permission for the Committee on Transportation to meet while the house is in session, during bill referral Monday, April 11, in 3W.15, to consider pending business.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative L. Taylor moved to suspend the five-day posting rule to allow the Committee on Elections to consider **HB 1925**, **HB 1975**, **HB 2814**, and **HB 3409** at 2 p.m. or upon final adjournment/recess Monday, April 11 in E2.028.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Human Services, 1 p.m. or upon final adjournment Tuesday, April 12, E2.030, for a public hearing, to consider **HB 3051** and the previously posted agenda.

Transportation, during bill referral Monday, April 11, 3W.15, for a formal meeting, to consider pending business.

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Elections, 2 p.m. or upon final adjournment Monday, April 11, E2.028, for a public hearing, to consider **HB 1925**, **HB 1975**, **HB 2814**, **HB 3409**, and the previously posted agenda.

Pensions, Investments, and Financial Services, 8 a.m. Tuesday, April 12, E2.014, for a public hearing, to consider **HB 3747** and the previously posted agenda.

PROVIDING FOR ADJOURNMENT

Representative Dukes moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 1 p.m. Monday, April 11.

The motion prevailed.

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Hughes in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 1:43 p.m., adjourned until 1 p.m. Monday, April 11.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 3838 (By Oliveira), Relating to the appointment of bailiffs for certain courts in Cameron County.

To Judiciary and Civil Jurisprudence.

HB 3839 (By Giddings), Relating to grounds for modification of child support.

To Judiciary and Civil Jurisprudence.

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HR 1139 (By Johnson), Commending Lamonty Lott for serving as a Democratic Party precinct chair in Dallas County.
To Rules and Resolutions.

HR 1140 (By Johnson), Commending Mark Baker for serving as a Democratic Party precinct chair in Dallas County.
To Rules and Resolutions.

HR 1141 (By Johnson), Commending Kathryn Hines for serving as a Democratic Party precinct chair in Dallas County.
To Rules and Resolutions.

HR 1142 (By Johnson), Commending Daniel Clayton for serving as a Democratic Party precinct chair in Dallas County.
To Rules and Resolutions.

HR 1143 (By Johnson), Commending Deborah Parish for serving as a Democratic Party precinct chair in Dallas County.
To Rules and Resolutions.

HR 1144 (By Johnson), Commending Lorraine Birabil for serving as a Democratic Party precinct chair in Dallas County.
To Rules and Resolutions.

HR 1145 (By Johnson), Commending Jean Ball for serving as a Democratic Party precinct chair in Dallas County.
To Rules and Resolutions.

HR 1146 (By Johnson), Commending Jean P. Mackaly for serving as a Democratic Party precinct chair in Dallas County.
To Rules and Resolutions.

HR 1147 (By Johnson), Commending George Collins for serving as a Democratic Party precinct chair in Dallas County.
To Rules and Resolutions.

HR 1148 (By Madden), Congratulating Plano Police Department volunteer Neal J. Katz on being named a 2010 Outstanding Crime Prevention Citizen by the Texas Crime Prevention Association.
To Rules and Resolutions.

HR 1149 (By Madden), Welcoming members of the Texas Catholic Conference to the State Capitol on April 6, 2011.
To Rules and Resolutions.

HR 1150 (By Sheffield), Recognizing April 4 through 8, 2011, as Connect a Million Minds Week.
To Rules and Resolutions.

HR 1151 (By Sheffield), In memory of Eldo Johnson of Temple.
To Rules and Resolutions.

HR 1152 (By Flynn), Congratulating the Martins Mill High School girls' basketball team on a successful 2010-2011 season.
To Rules and Resolutions.

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HR 1153 (By Flynn), Congratulating the Canton High School girls' powerlifting team on winning its second consecutive Class 3A state title.

To Rules and Resolutions.

HR 1154 (By Flynn), Commemorating the 100th anniversary of the Santa Fe Depot, home of the Wolfe City Public Library.

To Rules and Resolutions.

HR 1155 (By Eissler), Congratulating The Woodlands High School on winning the 2009-2010 UIL 5A Lone Star Cup.

To Rules and Resolutions.

HR 1156 (By Harless), Congratulating Dr. David Anthony on his retirement as superintendent of Cypress-Fairbanks Independent School District.

To Rules and Resolutions.

HR 1158 (By Giddings), Honoring the National Council of Negro Women, Inc., Minnie H. Goodlow Page Section on the occasion of its ninth annual Spring Hat Extravaganza and Tea.

To Rules and Resolutions.

HR 1159 (By C. Anderson), In memory of Arthur Schaffer of Waco.

To Rules and Resolutions.

HR 1160 (By C. Anderson), Congratulating the A. J. Moore Academy in Waco on being designated as a Distinguished Academy by the National Academy Foundation.

To Rules and Resolutions.

HR 1161 (By C. Anderson), In memory of Eileene Musson Anders of Whitney.

To Rules and Resolutions.

HR 1162 (By C. Anderson), In memory of Edward Maurice Arnold of Bosqueville.

To Rules and Resolutions.

HR 1163 (By C. Anderson), In memory of Lois Mae Haynes of Waco.

To Rules and Resolutions.

HR 1164 (By Callegari), Congratulating Dr. Mark Bing on his induction into the Texas High School Football Hall of Fame.

To Rules and Resolutions.

HR 1165 (By Callegari), Commending Oakmont Healthcare and Rehab Center of Katy for providing an outstanding level of care.

To Rules and Resolutions.

HR 1166 (By Workman), In memory of former Lakeway Mayor Cuth Kenneth "Ken" Shepherd.

To Rules and Resolutions.

HR 1168 (By Flynn), Congratulating Jesse and Peggy Elmore of Caddo Mills on their 50th wedding anniversary.

To Rules and Resolutions.

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HR 1169 (By Flynn), Congratulating Calvin and Naomi Thompson of Canton on their 60th wedding anniversary.

To Rules and Resolutions.

HR 1170 (By Flynn), Congratulating Jerry and Judy Pugh of Canton on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1171 (By Vo), Observing the 36th anniversary of the fall of Saigon.

To Rules and Resolutions.

HR 1172 (By Landtroop), Honoring Leadership Plainview for its promotion of civic leadership and volunteerism.

To Rules and Resolutions.

HR 1173 (By Isaac), In memory of Raymond Oren Whisenant, Sr., of Dripping Springs.

To Rules and Resolutions.

HR 1175 (By Zedler), In memory of Peggy Darlene Carriker of Arlington.

To Rules and Resolutions.

HR 1177 (By Craddick), Congratulating Susie's South Forty Confections, Inc., on its 20th anniversary.

To Rules and Resolutions.

HR 1178 (By Eiland), Commemorating the reopening of the main terminal building at Scholes International Airport at Galveston.

To Rules and Resolutions.

HR 1179 (By Madden), Honoring Conquer Chiari for its efforts in behalf of those with Chiari and syringomyelia.

To Rules and Resolutions.

HR 1180 (By Madden), Commemorating the 40th anniversary of Edward Nahas's immigration to the United States and honoring Mr. Nahas and his wife, Alda.

To Rules and Resolutions.

HR 1181 (By Lyne), Congratulating Taylor Levy on winning first place in the 2010-2011 Texas VFW Voice of Democracy essay contest.

To Rules and Resolutions.

HR 1184 (By Quintanilla), Congratulating Martha Serna on her selection as the 2010-2011 Texas Adult Educator of the Year by the Texas Association for Literacy and Adult Education.

To Rules and Resolutions.

HR 1185 (By Marquez), Congratulating the Mithoff Burton Partners advertising firm in El Paso on its 80th anniversary.

To Rules and Resolutions.

HR 1186 (By Marquez), Congratulating Bob Kitchens on his retirement as the track coach of The University of Texas at El Paso.

To Rules and Resolutions.

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HR 1187 (By Marquez), Honoring The University of Texas at El Paso men's basketball team on its achievements during the 2010-2011 season.

To Rules and Resolutions.

HR 1188 (By Marquez), In memory of Hector Licon of El Paso.

To Rules and Resolutions.

HR 1189 (By Flynn), Congratulating Roy DeWitt Deen of Wills Point on his 99th birthday.

To Rules and Resolutions.

HR 1191 (By S. King), Congratulating the Wylie High School tennis team on winning the 2011 Texas Tennis Coaches Association 3A state championship.

To Rules and Resolutions.

HR 1192 (By McClendon), Congratulating Dr. Dianna Burns-Banks on her recognition as a Gracious Giver at the North Star Gives event.

To Rules and Resolutions.

HR 1195 (By Creighton), Commemorating the dedication of the Lone Star Monument and Historical Flag Park in Conroe.

To Rules and Resolutions.

HR 1199 (By Patrick), Honoring the Pantego Youth Leadership Council for its work to develop community leaders.

To Rules and Resolutions.

HR 1200 (By L. Taylor), Commending the Friendswood Senior Citizen Program for enriching the lives of seniors in the community.

To Rules and Resolutions.

HR 1201 (By Fletcher), In memory of Officer Craig G. Story of the Arlington Police Department.

To Rules and Resolutions.

HR 1202 (By Fletcher), In memory of Detention Officer Dionicio M. Camacho of the Harris County Sheriff's Office.

To Rules and Resolutions.

HR 1203 (By Fletcher), In memory of Sergeant Timothy Gerard Olsovsky of the Victoria County Sheriff's Office.

To Rules and Resolutions.

HR 1204 (By Fletcher), In memory of Deputy Sheriff Francis David Blake of the Burnet County Sheriff's Office.

To Rules and Resolutions.

HR 1205 (By Fletcher), In memory of Officer Jesse Thomas Hamilton of the Pasadena Police Department.

To Rules and Resolutions.

HR 1206 (By Fletcher), In memory of Deputy Sheriff Shane Thomas Detwiler of the Chambers County Sheriff's Office.

To Rules and Resolutions.

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HR 1207 (By Fletcher), In memory of Officer Henry Canales of the Houston Police Department.

To Rules and Resolutions.

HR 1208 (By Fletcher), In memory of Border Patrol Agent Cruz C. McGuire of U.S. Customs and Border Protection.

To Rules and Resolutions.

HR 1209 (By Fletcher), In memory of Deputy Sheriff D. Martin Robert Harvey of the Lubbock County Sheriff's Office.

To Rules and Resolutions.

HR 1210 (By Fletcher), In memory of Sergeant Randall Dewayne White of the Bridgeport Police Department.

To Rules and Resolutions.

HR 1211 (By Fletcher), In memory of Lieutenant Stuart Jay Alexander of the Corpus Christi Police Department.

To Rules and Resolutions.

HR 1212 (By Fletcher), In memory of Detention Officer Cesar Arreola of the El Paso County Sheriff's Office.

To Rules and Resolutions.

HR 1213 (By Fletcher), In memory of Senior Corporal Norman Stephen Smith of the Dallas Police Department.

To Rules and Resolutions.

HR 1214 (By Fletcher), In memory of Officer Jillian Michelle Smith of the Arlington Police Department.

To Rules and Resolutions.

HR 1215 (By Fletcher), In memory of Deputy Sheriff Michael R. Schaefer of the Uvalde County Sheriff's Office.

To Rules and Resolutions.

HR 1216 (By Fletcher), In memory of Officer Ann N. O'Donnell of the University of Houston Police Department.

To Rules and Resolutions.

HR 1217 (By Fletcher), In memory of Officer Andrew J. Rameas of the Harker Heights Police Department.

To Rules and Resolutions.

HR 1218 (By Fletcher), In memory of Trooper Jonathan T. McDonald of the Texas Department of Public Safety.

To Rules and Resolutions.

HR 1219 (By Fletcher), In memory of Officer Sergio A. Antillon of the San Antonio Police Department.

To Rules and Resolutions.

HR 1220 (By Fletcher), In memory of Deputy Sheriff Odell McDuffie, Jr., of the Liberty County Sheriff's Office.

To Rules and Resolutions.

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HR 1221 (By Fletcher), In memory of Officer Karl R. McDonough of the El Paso Police Department.

To Rules and Resolutions.

HR 1222 (By Fletcher), In memory of Corporal David Ralph Slaton of the Texas Department of Public Safety.

To Rules and Resolutions.

HR 1223 (By Fletcher), In memory of Corrections Officer Kellie Pena of the Texas Department of Criminal Justice.

To Rules and Resolutions.

HR 1224 (By Fletcher), In memory of Officer Leonard Reed of the Cedar Park Police Department.

To Rules and Resolutions.

HR 1225 (By Fletcher), In memory of Officer Craig L. Shaw of the Lancaster Police Department.

To Rules and Resolutions.

HR 1226 (By Fletcher), In memory of Border Patrol Agent Mark Van Doren of U.S. Customs and Border Protection.

To Rules and Resolutions.

HR 1227 (By Fletcher), In memory of Officer Eydelmen Mani of the Houston Police Department.

To Rules and Resolutions.

HR 1228 (By Fletcher), In memory of Officer Rodney T. Holder of the Abilene Police Department.

To Rules and Resolutions.

HR 1229 (By Fletcher), In memory of Deputy Sheriff Jacob Rene Rayos of the Reeves County Sheriff's Office.

To Rules and Resolutions.

HR 1230 (By Fletcher), In memory of Constable John William Brown of the Calhoun County Constable's Office Precinct No. 5.

To Rules and Resolutions.

HR 1231 (By Fletcher), In memory of Officer Timothy Joseph Zurovets of the Forest Hill Police Department.

To Rules and Resolutions.

HR 1232 (By Woolley), Congratulating Village Republican Women on its 50th anniversary.

To Rules and Resolutions.

HR 1233 (By Margo), In memory of Colonel Milton Leland Haskin of El Paso.

To Rules and Resolutions.

HR 1234 (By Landtroop), In memory of Texas Department of Public Safety trooper Jonathan Thomas McDonald of Post.

To Rules and Resolutions.

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HR 1235 (By McClendon), Honoring Fiesta San Antonio 2011 and commending the event's organizers.

To Rules and Resolutions.

HR 1236 (By Alonzo), Congratulating the Mountain View College men's basketball team on winning the National Junior College Athletic Association Division III championship.

To Rules and Resolutions.

HR 1237 (By Guillen), Honoring Lori Peterson Perez for her community service in Rio Grande City and Starr County.

To Rules and Resolutions.

HR 1238 (By Guillen), Paying tribute to the life of James Edwin Peterson of Rio Grande City.

To Rules and Resolutions.

HR 1239 (By Guillen), Congratulating the Benavides High School Lady Eagles basketball team on winning district and bi-district championships during the 2010-2011 season.

To Rules and Resolutions.

HR 1240 (By Burkett), Congratulating Elaine Whitlock of Ed Hodges Elementary School on her selection as the 2010-2011 Elementary School Principal of the Year by the Mesquite Independent School District Council of PTAs.

To Rules and Resolutions.

HR 1241 (By Shelton), Congratulating the Paschal High School science team in Fort Worth for winning the 2011 5A Science State Championship sponsored by the Texas Math and Science Coaches Association.

To Rules and Resolutions.

HR 1242 (By Shelton), Congratulating scout executive Dan Clifton on his retirement from the Longhorn Council of the Boy Scouts of America.

To Rules and Resolutions.

SB 655 to Energy Resources.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 7

Agriculture and Livestock - **HB 2334**

Corrections - **HB 2004**, **HB 2734**

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Criminal Jurisprudence - **HB 470, HB 1103, HB 1658, HB 2662, HB 2725, HJR 98**

Culture, Recreation, and Tourism - **HB 384**

Elections - **HB 1616**

Higher Education - **HB 736**

Land and Resource Management - **HB 91**

Public Education - **HB 968**

Public Health - **HB 2904, SB 156**

State Affairs - **HB 265, HB 816, HB 892, HB 966, HB 1774, HB 2499, HB 2632, HB 2680, HCR 69**

Transportation - **HB 1486, HB 1541, HB 1866, HB 1896, HB 2017, HB 2195, HB 2346, HB 2541, HB 2771, HB 2792**

ENGROSSED

April 7 - HB 690, HB 849

ENROLLED

April 7 - HCR 64, HCR 65, HCR 150

SENT TO THE GOVERNOR

April 7 - HCR 64, HCR 65, HCR 150

SIGNED BY THE GOVERNOR

April 7 - HCR 62, HCR 114

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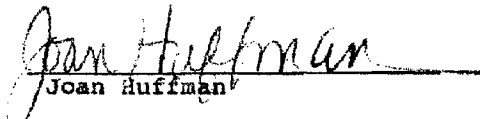


CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5-4-11
DateHonorable David Dewhurst
President of the SenateHonorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill 14 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.


Troy Fraser, Chair
Patricia Harless, Chair
Brian Birdwell
Rose Aliseda
Joan Huffman
Dennis Bonnen
Leticia Van de Putte
Vicki Truitt
Tommy Williams
Marc Veasey

On the part of the Senate

On the part of the House

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

S.B. No. 14

A BILL TO BE ENTITLED

1 AN ACT
2 relating to requirements to vote, including presenting proof of
3 identification; providing criminal penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 13.002, Election Code, is amended by
6 adding Subsection (i) to read as follows:

7 (i) An applicant who wishes to receive an exemption from the
8 requirements of Section 63.001(b) on the basis of disability must
9 include with the person's application:

10 (1) written documentation:

11 (A) from the United States Social Security
12 Administration evidencing the applicant has been determined to have
13 a disability; or

14 (B) from the United States Department of Veterans
15 Affairs evidencing the applicant has a disability rating of at
16 least 50 percent; and

17 (2) a statement in a form prescribed by the secretary
18 of state that the applicant does not have a form of identification
19 acceptable under Section 63.0101.

20 SECTION 2. Section 15.001, Election Code, is amended by
21 adding Subsection (c) to read as follows:

22 (c) A certificate issued to a voter who meets the
23 certification requirements of Section 13.002(i) must contain an
24 indication that the voter is exempt from the requirement to present

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1 identification other than the registration certificate before
2 being accepted for voting.

3 SECTION 3. Effective September 1, 2011, Subchapter A,
4 Chapter 15, Election Code, is amended by adding Section 15.005 to
5 read as follows:

6 Sec. 15.005. NOTICE OF IDENTIFICATION REQUIREMENTS.

7 (a) The voter registrar of each county shall provide notice of the
8 identification requirements for voting prescribed by Chapter 63 and
9 a detailed description of those requirements with each voter
10 registration certificate issued under Section 13.142 or renewal
11 registration certificate issued under Section 14.001.

12 (b) The secretary of state shall prescribe the wording of
13 the notice to be included on the certificate under this section.

14 SECTION 4. Section 15.022(a), Election Code, is amended to
15 read as follows:

16 (a) The registrar shall make the appropriate corrections in
17 the registration records, including, if necessary, deleting a
18 voter's name from the suspense list:

19 (1) after receipt of a notice of a change in
20 registration information under Section 15.021;

21 (2) after receipt of a voter's reply to a notice of
22 investigation given under Section 16.033;

23 (3) after receipt of a registration omissions list and
24 any affidavits executed under Section 63.006 [~~63.007~~], following an
25 election;

26 (4) after receipt of a voter's statement of residence
27 executed under Section 63.0011;

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1 (5) before the effective date of the abolishment of a
2 county election precinct or a change in its boundary;

3 (6) after receipt of United States Postal Service
4 information indicating an address reclassification;

5 (7) after receipt of a voter's response under Section
6 15.053; or

7 (8) after receipt of a registration application or
8 change of address under Chapter 20.

9 SECTION 5. Effective September 1, 2011, Subchapter A,
10 Chapter 31, Election Code, is amended by adding Section 31.012 to
11 read as follows:

12 Sec. 31.012. VOTER IDENTIFICATION EDUCATION. (a) The
13 secretary of state and the voter registrar of each county that
14 maintains a website shall provide notice of the identification
15 requirements for voting prescribed by Chapter 63 on each entity's
16 respective website in each language in which voter registration
17 materials are available. The secretary of state shall prescribe
18 the wording of the notice to be included on the websites.

19 (b) The secretary of state shall conduct a statewide effort
20 to educate voters regarding the identification requirements for
21 voting prescribed by Chapter 63.

22 (c) The county clerk of each county shall post in a
23 prominent location at the clerk's office a physical copy of the
24 notice prescribed under Subsection (a) in each language in which
25 voter registration materials are available.

26 SECTION 6. Effective September 1, 2011, Section 32.111,
27 Election Code, is amended by adding Subsection (c) to read as

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1 follows:

2 (c) The training standards adopted under Subsection (a)
3 must include provisions on the acceptance and handling of the
4 identification presented by a voter to an election officer under
5 Section 63.001.

6 SECTION 7. Effective September 1, 2011, Section 32.114(a),
7 Election Code, is amended to read as follows:

8 (a) The county clerk shall provide one or more sessions of
9 training using the standardized training program and materials
10 developed and provided by the secretary of state under Section
11 32.111 for the election judges and clerks appointed to serve in
12 elections ordered by the governor or a county authority. Each
13 election judge shall complete the training program. Each election
14 clerk shall complete the part of the training program relating to
15 the acceptance and handling of the identification presented by a
16 voter to an election officer under Section 63.001.

17 SECTION 8. Chapter 62, Election Code, is amended by adding
18 Section 62.016 to read as follows:

19 Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE
20 POLLING PLACES. The presiding judge shall post in a prominent place
21 on the outside of each polling location a list of the acceptable
22 forms of identification. The list must be printed using a font that
23 is at least 24-point. The notice required under this section must
24 be posted separately from any other notice required by state or
25 federal law.

26 SECTION 9. Section 63.001, Election Code, is amended by
27 amending Subsections (b), (c), (d), and (f) and adding Subsections

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1 (g) and (h) to read as follows:

2 (b) Except as provided by Subsection (h), on [On] offering
3 to vote, a voter must present to an election officer at the polling
4 place one form of identification described by Section 63.0101 [the
5 ~~voter's voter registration certificate to an election officer at~~
6 ~~the polling place].~~

7 (c) On presentation of the documentation required under
8 Subsection (b) [a registration certificate], an election officer
9 shall determine whether the voter's name on the documentation
10 [registration certificate] is on the list of registered voters for
11 the precinct. If in making a determination under this subsection
12 the election officer determines under standards adopted by the
13 secretary of state that the voter's name on the documentation is
14 substantially similar to but does not match exactly with the name on
15 the list, the voter shall be accepted for voting under Subsection
16 (d) if the voter submits an affidavit stating that the voter is the
17 person on the list of registered voters.

18 (d) If, as determined under Subsection (c), the voter's name
19 is on the precinct list of registered voters and the voter's
20 identity can be verified from the documentation presented under
21 Subsection (b), the voter shall be accepted for voting.

22 (f) After determining whether to accept a voter, an election
23 officer shall return the voter's documentation [registration
24 ~~certificate] to the voter.~~

25 (g) If the requirements for identification prescribed by
26 Subsection (b) are not met, the voter may be accepted for
27 provisional voting only under Section 63.011. For a voter who is

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1 not accepted for voting under this section, an election officer
2 shall:

3 (1) inform the voter of the voter's right to cast a
4 provisional ballot under Section 63.011; and

5 (2) provide the voter with written information, in a
6 form prescribed by the secretary of state, that:

7 (A) lists the requirements for identification;

8 (B) states the procedure for presenting
9 identification under Section 65.0541;

10 (C) includes a map showing the location where
11 identification must be presented; and

12 (D) includes notice that if all procedures are
13 followed and the voter is found to be eligible to vote and is voting
14 in the correct precinct, the voter's provisional ballot will be
15 accepted.

16 (h) The requirements for identification prescribed by
17 Subsection (b) do not apply to a voter who is disabled and presents
18 the voter's voter registration certificate containing the
19 indication described by Section 15.001(c) on offering to vote.

20 SECTION 10. Section 63.0011(a), Election Code, is amended
21 to read as follows:

22 (a) Before a voter may be accepted for voting, an election
23 officer shall ask the voter if the voter's residence address on the
24 precinct list of registered voters is current and whether the voter
25 has changed residence within the county. If the voter's address is
26 omitted from the precinct list under Section 18.005(c), the officer
27 shall ask the voter if the voter's residence, if [as] listed, on

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1 identification presented by the voter under Section 63.001(b) [the
2 voter's voter registration certificate] is current and whether the
3 voter has changed residence within the county.

4 SECTION 11. Effective September 1, 2011, Chapter 63,
5 Election Code, is amended by adding Section 63.0012 to read as
6 follows:

7 Sec. 63.0012. NOTICE OF IDENTIFICATION REQUIREMENTS TO
8 CERTAIN VOTERS. (a) An election officer shall distribute written
9 notice of the identification that will be required for voting
10 beginning with elections held after January 1, 2012, and
11 information on obtaining identification without a fee under Chapter
12 521A, Transportation Code, to each voter who, when offering to
13 vote, presents a form of identification that will not be sufficient
14 for acceptance as a voter under this chapter beginning with those
15 elections.

16 (b) The secretary of state shall prescribe the wording of
17 the notice and establish guidelines for distributing the notice.

18 (c) This section expires September 1, 2017.

19 SECTION 12. Section 63.006, Election Code, is amended to
20 read as follows:

21 Sec. 63.006. VOTER WITH REQUIRED DOCUMENTATION [CORRECT
22 CERTIFICATE] WHO IS NOT ON LIST. (a) A voter who, when offering to
23 vote, presents the documentation required under Section 63.001(b)
24 [a voter registration certificate indicating that the voter is
25 currently registered in the precinct in which the voter is offering
26 to vote,] but whose name is not on the precinct list of registered
27 voters[] shall be accepted for voting if the voter also presents a

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1 voter registration certificate indicating that the voter is
2 currently registered:

3 (1) in the precinct in which the voter is offering to
4 vote; or

5 (2) in a different precinct in the same county as the
6 precinct in which the voter is offering to vote and the voter
7 executes an affidavit stating that the voter:

8 (A) is a resident of the precinct in which the
9 voter is offering to vote or is otherwise entitled by law to vote in
10 that precinct;

11 (B) was a resident of the precinct in which the
12 voter is offering to vote at the time the information on the voter's
13 residence address was last provided to the voter registrar;

14 (C) did not deliberately provide false
15 information to secure registration in a precinct in which the voter
16 does not reside; and

17 (D) is voting only once in the election.

18 (b) After the voter is accepted, an election officer shall:

19 (1) indicate beside the voter's name on the poll list
20 that the voter was accepted under this section; and

21 (2) enter the voter's name on the registration
22 omissions list.

23 SECTION 13. Section 63.009, Election Code, is amended to
24 read as follows:

25 Sec. 63.009. VOTER WITHOUT CERTIFICATE WHO IS NOT ON LIST.
26 ~~A [(a) Except as provided by Subsection (b), a]~~ voter who does not
27 present a voter registration certificate when offering to vote, and

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1 whose name is not on the list of registered voters for the precinct
2 in which the voter is offering to vote, shall be accepted for
3 provisional voting if the voter executes an affidavit in accordance
4 with Section 63.011.

5 ~~[(b) If an election officer can determine from the voter~~
6 ~~registrar that the person is a registered voter of the county and~~
7 ~~the person presents proof of identification, the affidavits~~
8 ~~required by Sections 63.007 and 63.008 are substituted for the~~
9 ~~affidavit required by Section 63.011 in complying with that~~
10 ~~section. After the voter is accepted under this subsection, an~~
11 ~~election officer shall also indicate beside the voter's name on the~~
12 ~~poll list that the voter was accepted under this section.]~~

13 SECTION 14. Section 63.0101, Election Code, is amended to
14 read as follows:

15 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.
16 The following documentation is an acceptable form ~~[as proof]~~ of
17 photo identification under this chapter:

18 (1) a driver's license, election identification
19 certificate, or personal identification card issued to the person
20 by the Department of Public Safety that has not ~~[or a similar~~
21 ~~document issued to the person by an agency of another state,~~
22 ~~regardless of whether the license or card has]~~ expired or that
23 expired no earlier than 60 days before the date of presentation;

24 (2) a United States military identification card that
25 contains the person's photograph that has not expired or that
26 expired no earlier than 60 days before the date of presentation
27 ~~[form of identification containing the person's photograph that~~

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1 ~~establishes the person's identity];~~

2 (3) a ~~[birth certificate or other document confirming~~
3 ~~birth that is admissible in a court of law and establishes the~~
4 ~~person's identity,~~

5 ~~[(4)] United States citizenship certificate [papers]~~
6 ~~issued to the person that contains the person's photograph;~~

7 ~~(4) [(5)] a United States passport issued to the~~
8 ~~person that has not expired or that expired no earlier than 60 days~~
9 ~~before the date of presentation; or~~

10 ~~(5) a license to carry a concealed handgun issued to~~
11 ~~the person by the Department of Public Safety that has not expired~~
12 ~~or that expired no earlier than 60 days before the date of~~
13 ~~presentation~~

14 ~~[(6)] official mail addressed to the person by name~~
15 ~~from a governmental entity,~~

16 ~~[(7)] a copy of a current utility bill, bank statement,~~
17 ~~government check, paycheck, or other government document that shows~~
18 ~~the name and address of the voter, or~~

19 ~~[(8)] any other form of identification prescribed by~~
20 ~~the secretary of state].~~

21 SECTION 15. Section 63.011, Election Code, is amended by
22 amending Subsections (a) and (b) and adding Subsection (b-1) to
23 read as follows:

24 (a) A person to whom Section 63.001(g) ~~[63.008(b)]~~ or 63.009
25 ~~[63.009(a)]~~ applies may cast a provisional ballot if the person
26 executes an affidavit stating that the person:

27 (1) is a registered voter in the precinct in which the

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1 person seeks to vote; and

2 (2) is eligible to vote in the election.

3 (b) A form for an affidavit required by this section must
4 ~~[shall]~~ be printed on an envelope in which the provisional ballot
5 voted by the person may be placed and must include:

6 (1) a space for entering the identification number of
7 the provisional ballot voted by the person; and

8 (2) a space for an election officer to indicate
9 whether the person presented a form of identification described by
10 Section 63.0101.

11 (b-1) The affidavit form may include space for disclosure of
12 any necessary information to enable the person to register to vote
13 under Chapter 13. The secretary of state shall prescribe the form
14 of the affidavit under this section.

15 SECTION 16. Section 64.012(b), Election Code, is amended to
16 read as follows:

17 (b) An offense under this section is a felony of the second
18 ~~[third]~~ degree unless the person is convicted of an attempt. In
19 that case, the offense is a state jail felony ~~[Class A misdemeanor]~~.

20 SECTION 17. Section 65.054(b), Election Code, is amended to
21 read as follows:

22 (b) A provisional ballot shall ~~[may]~~ be accepted ~~[only]~~ if
23 the board determines that:

24 (1) ~~[7]~~ from the information in the affidavit or
25 contained in public records, the person is eligible to vote in the
26 election and has not previously voted in that election;

27 (2) the person:

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1 (A) meets the identification requirements of
2 Section 63.001(b) at the time the ballot was cast or in the period
3 prescribed under Section 65.0541;

4 (B) notwithstanding Chapter 110, Civil Practice
5 and Remedies Code, executes an affidavit under penalty of perjury
6 that states the voter has a religious objection to being
7 photographed and the voter has consistently refused to be
8 photographed for any governmental purpose from the time the voter
9 has held this belief; or

10 (C) executes an affidavit under penalty of
11 perjury that states the voter does not have any identification
12 meeting the requirements of Section 63.001(b) as a result of a
13 natural disaster that was declared by the president of the United
14 States or the governor, occurred not earlier than 45 days before the
15 date the ballot was cast, and caused the destruction of or inability
16 to access the voter's identification; and

17 (3) the voter has not been challenged and voted a
18 provisional ballot solely because the voter did not meet the
19 requirements for identification prescribed by Section 63.001(b).

20 SECTION 18. Subchapter B, Chapter 65, Election Code, is
21 amended by adding Section 65.0541 to read as follows:

22 Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN
23 PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional
24 voting under Section 63.011 because the voter does not meet the
25 identification requirements of Section 63.001(b) may, not later
26 than the sixth day after the date of the election:

27 (1) present a form of identification described by

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1 Section 63.0101 to the voter registrar for examination; or
2 (2) execute an affidavit described by Section
3 65.054(b)(2)(B) or (C) in the presence of the voter registrar.
4 (b) The secretary of state shall prescribe procedures as
5 necessary to implement this section.

6 SECTION 19. Section 66.0241, Election Code, is amended to
7 read as follows:

8 Sec. 66.0241. CONTENTS OF ENVELOPE NO. 4. Envelope no. 4
9 must contain:

- 10 (1) the precinct list of registered voters;
- 11 (2) the registration correction list;
- 12 (3) the registration omissions list;
- 13 (4) any statements of residence executed under Section
- 14 63.0011; and
- 15 (5) any affidavits executed under Section 63.006
- 16 [63.007] or 63.011.

17 SECTION 20. Subtitle B, Title 7, Transportation Code, is
18 amended by adding Chapter 521A to read as follows:

19 CHAPTER 521A. ELECTION IDENTIFICATION CERTIFICATE

20 Sec. 521A.001. ELECTION IDENTIFICATION CERTIFICATE. (a)

21 The department shall issue an election identification certificate
22 to a person who states that the person is obtaining the certificate
23 for the purpose of satisfying Section 63.001(b), Election Code, and
24 does not have another form of identification described by Section
25 63.0101, Election Code, and:

- 26 (1) who is a registered voter in this state and
- 27 presents a valid voter registration certificate; or

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1 (2) who is eligible for registration under Section
2 13.001, Election Code, and submits a registration application to
3 the department.

4 (b) The department may not collect a fee for an election
5 identification certificate or a duplicate election identification
6 certificate issued under this section.

7 (c) An election identification certificate may not be used
8 or accepted as a personal identification certificate.

9 (d) An election officer may not deny the holder of an
10 election identification certificate the ability to vote because the
11 holder has an election identification certificate rather than a
12 driver's license or personal identification certificate issued
13 under this subtitle.

14 (e) An election identification certificate must be similar
15 in form to, but distinguishable in color from, a driver's license
16 and a personal identification certificate. The department may
17 cooperate with the secretary of state in developing the form and
18 appearance of an election identification certificate.

19 (f) The department may require each applicant for an
20 original or renewal election identification certificate to furnish
21 to the department the information required by Section 521.142.

22 (g) The department may cancel and require surrender of an
23 election identification certificate after determining that the
24 holder was not entitled to the certificate or gave incorrect or
25 incomplete information in the application for the certificate.

26 (h) A certificate expires on a date specified by the
27 department, except that a certificate issued to a person 70 years of

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1 age or older does not expire.

2 SECTION 21. Sections 63.007 and 63.008, Election Code, are
3 repealed.

4 SECTION 22. Effective September 1, 2011:

5 (1) as soon as practicable, the secretary of state
6 shall adopt the training standards and develop the training
7 materials required to implement the change in law made by this Act
8 to Section 32.111, Election Code; and

9 (2) as soon as practicable, the county clerk of each
10 county shall provide a session of training under Section 32.114,
11 Election Code, using the standards adopted and materials developed
12 to implement the change in law made by this Act to Section 32.111,
13 Election Code.

14 SECTION 23. The change in law made by this Act in amending
15 Section 64.012(b), Election Code, applies only to an offense
16 committed on or after January 1, 2012. An offense committed before
17 January 1, 2012, is covered by the law in effect when the offense
18 was committed, and the former law is continued in effect for that
19 purpose. For purposes of this section, an offense is committed
20 before January 1, 2012, if any element of the offense occurs before
21 that date.

22 SECTION 24. Effective September 1, 2011, state funds
23 disbursed under Chapter 19, Election Code, for the purpose of
24 defraying expenses of the voter registrar's office in connection
25 with voter registration may also be used for additional expenses
26 related to coordinating voter registration drives or other
27 activities designed to expand voter registration. This section

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1 expires January 1, 2013.

2 SECTION 25. Every provision in this Act and every
3 application of the provisions in this Act are severable from each
4 other. If any application of any provision in this Act to any
5 person or group of persons or circumstances is found by a court to
6 be invalid, the remainder of this Act and the application of the
7 Act's provisions to all other persons and circumstances may not be
8 affected. All constitutionally valid applications of this Act
9 shall be severed from any applications that a court finds to be
10 invalid, leaving the valid applications in force, because it is the
11 legislature's intent and priority that the valid applications be
12 allowed to stand alone. Even if a reviewing court finds a provision
13 of this Act invalid in a large or substantial fraction of relevant
14 cases, the remaining valid applications shall be severed and
15 allowed to remain in force.

16 SECTION 26. Except as otherwise provided by this Act, this
17 Act takes effect January 1, 2012.

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Senate Bill 14
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION	HOUSE VERSION	CONFERENCE
No equivalent provision.	SECTION __. Adds Section 1.005(25), Election Code, to define "early voting ballot board" to mean the early voting and provisional voting ballot board. [FA59(1)]	Same as Senate version.
SECTION 1. Section 13.002, Election Code, is amended by adding Subsection (i), requiring an applicant for voter registration who wishes to receive an exemption from voter identification requirements on the basis of disability to include with the person's application a certification from a physician that the person has a disability as defined by Section 21.002, Labor Code.	SECTION 1. Same as Senate version, except replaces the requirement that the applicant include certification from a physician that the person has a disability with the requirement that the applicant include written documentation either from the United States Social Security Administration evidencing the applicant has been determined to have a disability or from the United States Department of Veterans Affairs evidencing the applicant has a disability rating of at least 50 percent, along with a statement in a form prescribed by the secretary of state that the applicant does not have a form of identification acceptable under Section 63.0101, Election Code, as amended by the bill.	SECTION 1. Same as House version.
SECTION 2. Amends Section 15.001, Election Code.	SECTION 2. Same as Senate version.	SECTION 2. Same as Senate version.
SECTION 3. Adds Section 15.005, Election Code.	SECTION 3. Substantially the same as Senate version, except incorporates same effective date for the section that is provided in SECTION 26(b) of Senate version.	SECTION 3. Same as House version.
SECTION 4. Amends Section 15.022(a)(3), Election Code.	SECTION 4. Same as Senate version.	SECTION 4. Same as Senate version.
SECTION 5. Subchapter A, Chapter 31, Election Code, is	SECTION 5. Substantially the same as Senate version, except	SECTION 5. Same as Senate version, except incorporates

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SENATE VERSION	HOUSE VERSION	CONFERENCE
amended by adding Section 31.012, relating to voter identification education provided by the secretary of state and the voter registrar of each county that maintains a website. Among other provisions, requires the secretary of state to conduct a statewide effort to educate voters regarding the identification requirements for voting.	requires the secretary of state's statewide effort to include education targeted at low-income and minority voters. Incorporates same effective date for the section that is provided in SECTION 26(b) of Senate version. [FA27]	effective date same as House version.
SECTION 6. Section 32.111, Election Code, is amended by adding (c).	SECTION 6. Substantially the same as Senate version, except incorporates same effective date for the section that is provided in SECTION 26(b) of Senate version.	SECTION 6. Same as House version.
SECTION 7. Amends Section 32.114(a), Election Code.	SECTION 7. Substantially the same as Senate version, except incorporates same effective date for the section that is provided in SECTION 26(b) of Senate version.	SECTION 7. Same as House version.
SECTION 8. Chapter 62, Election Code, is amended by adding Section 62.016, relating to the notice and list of acceptable identification that must be posted in a prominent place on the outside of each polling location. Requires the notice and a list of the acceptable forms of identification to be printed using a font that is at least 24-point. Establishes that <i>the notices</i> required under this section <i>shall be</i> posted separately from <i>all other notices</i> required by state or federal law.	SECTION 8. Same as Senate version, except requires only the list to be printed using a font that is at least 24-point and establishes that <i>the notice</i> under this section <i>must be</i> posted separately from <i>any other notice</i> required by state or federal law.	SECTION 8. Same as House version.
SECTION 9. Section 63.001, Election Code, is amended by amending Subsections (b), (c), (d), and (f) and adding Subsections (g) and (h) as follows:	SECTION 9. [FA3(1)-(3);FA5;FA7;FA10;FA13(1)-(2)] Section 63.001, Election Code, is amended by amending Subsections (b), (c), (d), and (f) and adding Subsections (g), (h), and (i) to read as follows	SECTION 9. Section 63.001, Election Code, is amended by amending Subsections (b), (c), (d), and (f) and adding Subsections (g) and (h) as follows:

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(b) Among other provisions, requires a voter, on offering to vote, to present to an election officer at the polling place one form of identification *listed in* Section 63.0101, except as provided by *Subsection (h)*.

(c) Among other provisions, requires the acceptance of a voter for voting if the voter submits an affidavit stating that the voter is the person on the list of registered voters and the election officer, in determining whether a voter's name is on that list, determines that the voter's name on the documentation is substantially similar but does not match exactly the name on the list.

(d) Provides that if the voter's name is on the precinct list of registered voters and the voter's identity can be verified from the presented documentation the voter shall be accepted for voting.

(f) Requiring an election officer, after determining whether to accept a voter, to return the voter's documentation to the voter.

(g) Among other provisions, requires the written information relating to provisional voting that is provided to a voter accepted for provisional voting because the identification requirements are not met to include, among other information, notice that *even if* all procedures are followed, *there is no guarantee that a provisional ballot will be accepted*.

(h) Exempts from the voter identification requirements prescribed by Subsection (b) of this section a voter who

HOUSE VERSION

(b) Same as Senate version, except refers to the forms of identification *described by* Section 63.0101 and provides exceptions in *Subsections (h) and (i)*.

(c) Substantially the same as Senate version, except specifies that the acceptance of a voter for voting is under Subsection (d) of this section and specifies that the election officer's determination that the voter's name on the documentation is substantially similar to but does not match exactly with the name on the list is under standards adopted by the secretary of state.

(d) Same as Senate version, except specifies that the acceptance for voting is as determined under Subsection (c) of this section.

(f) Same as Senate version.

(g) Among other provisions, requires the written information relating to provisional voting that is provided to a voter accepted for provisional voting because the identification requirements are not met to include, among other information, notice that *if* all procedures are followed and *the voter is found to be eligible to vote in the election, the voter's provisional ballot will be counted*.

(h) Same as Senate version, except omits as a ground for exemption from the voter identification requirements that the

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(b) Same as House version, except provides an exception in *Subsection (h)*

(c) Substantially the same as House version.

(d) Same as House version.

(f) Same as Senate version.

(g) Among other provisions, requires the written information relating to provisional voting that is provided to a voter accepted for provisional voting because the identification requirements are not met to include, among other information, notice that *if* all procedures are followed and *the voter is found to be eligible to vote and is voting in the correct precinct, the voter's provisional ballot will be accepted*.

(h) Same as Senate version, except omits as a ground for exemption from the voter identification requirements that the

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Senate Bill 14
Conference Committee Report
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presents the voter's voter registration certificate on offering to vote and was 70 years of age or older on January 1, 2012, as indicated by the date of birth on the voter's voter registration certificate, or is disabled and the voter's voter registration certificate contains the indication described by Section 15.001(c) of the bill.

No equivalent provision.

SECTION 10. Subsection (a), Section 63.0011, Election Code, is amended.

SECTION 11. Chapter 63, Election Code, is amended by adding Section 63.0012. Among other provisions, requires an election officer to distribute information on obtaining identification without a fee under *Section 521.422, Transportation Code*, to each voter who, when offering to vote, presents a form of identification that will not be sufficient for acceptance as a voter under Chapter 63, Election Code, beginning with those elections.

SECTION 12. Section 63.006, Election Code, is amended, relating to the acceptance for voting of a voter who presents the required documentation for voting but is not on the precinct list of registered voters. Includes as a ground for

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HOUSE VERSION

voter was 70 years of age or older on January 1, 2012, and includes as a ground for exemption that the voter executes an affidavit under penalty of perjury asserting that the voter does not have identification meeting the requirements of Subsection (b) as a result of a natural disaster declared by the president of the United States or the governor.

(i) Relating to the acceptance for voting of a voter who would otherwise be accepted but for the voter identification requirements of Subsection (b) if the voter executes an affidavit within a specified period asserting that the voter's proof of identification meeting those requirements has been stolen and the voter presents to an election officer a copy of an official police report to that effect. Provides for the redaction and exemption of certain personal information of the voter on the report.

SECTION 10. Same as Senate version.

SECTION 11. Substantially the same as Senate version, except incorporates same effective date for the section that is provided in SECTION 26(b) of Senate version.

SECTION 12. Same as Senate version, except specifies that the voter registration certificate presented by the voter indicates that the voter is currently registered *in a different precinct in the same county as the precinct* in which the voter

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voter was 70 years of age or older on January 1, 2012.

Same as Senate version.

SECTION 10. Same as Senate version.

SECTION 11. Same as House version, except refers to information on obtaining identification without a fee under *Chapter 521A, Transportation Code*.

SECTION 12. Same as House version.

Senate Bill 14
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

accepting such a voter for voting that the voter also presents a voter registration certificate indicating that the voter is currently registered *in a different precinct from the one* in which the voter is offering to vote. Includes among the actions an election officer must take after the voter is accepted entering *the precinct of the voter's registration as indicated by the voter's registration certificate, if applicable*, on the registration omissions list

SECTION 13. Section 63.009, Election Code, is amended.

SECTION 14. Section 63.0101, Election Code, is amended to establish the acceptable forms of photo identification for voting. Includes among those forms of identification a license to carry a concealed handgun issued to the person by the Department of Public Safety (DPS).

SECTION 15. Section 63.011, Election Code, is amended by amending Subsections (a) and (b), as follows:

(a) Makes conforming changes.

(b) [part] Establishes that a form for an affidavit required by this section *shall be* printed on an envelope in which the provisional ballot voted by the person may be placed and must include spaces for certain information.

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HOUSE VERSION

is offering to vote. Includes among the actions an election officer must take after the voter is accepted entering *the voter's name* on the registration omissions list.

SECTION 13. Same as Senate version.

SECTION 14. Same as Senate version, except specifies that, for a license to carry a concealed handgun to be an acceptable form of photo identification for voting, the license has not expired or expired no earlier than 60 days before the date of presentation. Adds as acceptable forms of photo identification for voting a valid identification card that contains the person's photograph and is issued by a tribal organization and an identification card that contains the person's photograph and is issued or approved by this state. [FA20(1),(2);FA30(1),(2)]

SECTION 15. [FA26(1),(2)] Section 63.011, Election Code, is amended by amending Subsections (a) and (b) and adding Subsections (b-1) and (f) as follows:

(a) Same as Senate version.

(b) Same as Senate version, except specifies that the form for the affidavit *must be* printed on such an envelope.

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SECTION 13. Same as Senate version.

SECTION 14. Same as Senate version, except includes as an acceptable form of identification an election identification certificate and includes the specification in the House version that a license to carry a concealed handgun issued to the person by DPS refers to a license that has not expired or has expired no earlier than 60 days before the date of presentation.

SECTION 15. Section 63.011, Election Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) as follows:

(a) Same as Senate version.

(b) Same as House version.

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SENATE VERSION	HOUSE VERSION	CONFERENCE
(b) [part] Sets out requirements for the affidavit form.	(b-1) Same as Senate version.	(b-1) Same as Senate version.
No equivalent provision.	(f) Provides for the execution of an affidavit under certain provisions of the bill and the availability of forms for such affidavits at each polling place.	Same as Senate version.
SECTION 16. Subsection (b), Section 64.012, Election Code, is amended.	SECTION 16. Same as Senate version.	SECTION 16. Same as Senate version.
SECTION 17. Section 65.054, Election Code, is amended by amending Subsection (b) and adding Subsection (e), as follows:	SECTION 17. [FA28(1);FA53(2);FA59(2),(3)] Section 65.054, Election Code, is amended by amending Subsections (a) and (b), as follows:	SECTION 17. Section 65.054, Election Code, is amended by amending Subsection (b)
No equivalent provision.	(a) Specifies that the board examining affidavits executed under Section 63.011 for determination of acceptance of provisional ballots is the early voting and provisional voting ballot board, rather than the early voting ballot board.	Same as Senate version.
(b) Includes among the options for meeting the identification requirements for acceptance of a provisional ballot by the early voting ballot board the determination by the board that the person meets the identification requirements of Section 63.001(b) <i>in the period prescribed under Section 65.054</i> or executes an affidavit under penalty of perjury stating that the voter is indigent and is unable to obtain proof of identification without the payment of a fee or <i>has a religious objection to being photographed</i> . Requires the <i>affidavit to also state that the voter has not been challenged or required to vote a provisional ballot for any other reason</i> .	(b) Same as Senate version, except specifies that the determination by the board that the person meets the identification requirements of Section 63.001(b) is either <i>at the time the ballot was cast or in the period prescribed under Section 65.054</i> . Adds as an option for meeting the identification requirements that the person within the prescribed period presents a temporary license issued by DPS that contains the voter's photograph. Omits the option to execute an affidavit relating to the voter's indigence or religious objection to being photographed and the fact that the voter has not been challenged or required to vote a provisional ballot for any other reason.	(b) Same as Senate version, except specifies that the determination by the board that the person meets the identification requirements of Section 63.001(b) is either <i>at the time the ballot was cast or in the period prescribed under Section 65.054</i> . Omits the option to execute an affidavit relating to the voter's indigence. Revises the option to execute an affidavit relating to a religious objection to, notwithstanding Chapter 110, Civil Practice and Remedies Code and under penalty of perjury, state that the voter <i>has a religious objection to being photographed and has consistently refused to be photographed for any governmental purpose from the time the voter has held this belief</i> . Adds an option to execute an affidavit under penalty of perjury stating that the voter does not have any identification

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(e) Provides for the meaning for the term "indigent," as used in this section, by reference to the Government Code.

SECTION 18. Subchapter B, Chapter 65, Election Code, is amended by adding Section 65.0541, relating to the presentation of identification for certain provisional ballots. Among other provisions, authorizes a voter who is accepted for provisional voting under Section 63.011 because the voter does not meet the identification requirements of Section 63.001(b) to present *proof of identification* described by Section 63.0101 to the voter registrar for examination within a prescribed period or execute one of the affidavit options described in Section 65.054(b) above.

SECTION 19. Section 66.0241, Election Code.

No equivalent provision.

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No equivalent provision.

SECTION 18. Same as Senate version, except authorizes a voter within the prescribed period to present *a form of identification* described by Section 63.0101. Adds as an option for meeting the identification requirements that the person within the prescribed period presents a temporary license issued by DPS that contains the voter's photograph. Omits the affidavit options.
[FA26(3);FA28(2);FA53(3)]

SECTION 19. Same as Senate version.

SECTION __. Section 521.124, Transportation Code, is amended, relating to a temporary license issued by DPS.
[FA53(1)]

meeting the requirements of Section 63.001(b) as a result of a natural disaster that was declared by the president of the United States or the governor, occurred not earlier than 45 days before the date the ballot was cast, and caused the destruction of or inability to access the voter's identification. Includes as a condition for accepting a provisional ballot, rather than as a required statement in the affidavit options, *that the voter has not been challenged and voted a provisional ballot solely because the voter did not meet the requirements for identification prescribed by Section 63.001(b).* [The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

Same as House version.

SECTION 18. Same as Senate version, except authorizes a voter within the prescribed period to present *a form of identification* described by Section 63.0101 or execute one of the revised affidavit options described in Section 65.054(b) above.

SECTION 19. Same as Senate version.

Same as Senate version.

Senate Bill 14
Conference Committee Report
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SENATE VERSION

SECTION 20. Section 521.422, Transportation Code, is amended by amending Subsection (a) to make a conforming change and adding Subsection (d) to establish that DPS *may not* collect a fee for a personal identification certificate issued to a person who states that the person is obtaining the personal identification certificate for the purpose of satisfying Section 63.001(b), Election Code, and meets certain other requirements.

HOUSE VERSION

SECTION 20. Same as Senate version, except establishes that DPS *shall not* collect a fee for a personal identification certificate issued to a person who states that the person is obtaining the personal identification certificate for the purpose of satisfying Section 63.001(b), Election Code, *and does not have another form of identification described by Section 63.0101, Election Code*, and meets certain other requirements. [FA32]

CONFERENCE

SECTION 20. Subtitle B, Title 7, Transportation Code, is amended by adding Chapter 521A, relating to election identification certificates, as follows:

(a) Requires DPS to issue an election identification certificate to a person who states that the person is obtaining the certificate for the purpose of satisfying Section 63.001(b), Election Code, and does not have another form of identification described by Section 63.0101, Election Code, and who is a registered voter in this state and presents a valid voter registration certificate or who is eligible for registration under Section 13.001, Election Code, and submits a registration application to the department.

(b) Establishes that the department *may not* collect a fee for an election identification certificate or a duplicate election identification certificate issued under this section.

(c) Prohibits an election identification certificate from being used or accepted as a personal identification certificate.

(d) Prohibits an election officer from denying the holder of an election identification certificate the ability to vote because the holder has an election identification certificate rather than a driver's license or personal identification certificate issued under this subtitle.

(e) Requires an election identification certificate to be similar in form to, but distinguishable in color from, a driver's license and a personal identification certificate. Authorizes DPS to cooperate with the secretary of state in developing the form and appearance of an election identification certificate.

(f) Authorizes DPS to require each applicant for an original or renewal election identification certificate to furnish to the department the information required by Section 521.142, Transportation Code, relating to the application requirements for an original driver's license.

(g) Authorizes the department to cancel and require surrender

Senate Bill 14
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SENATE VERSION	HOUSE VERSION	CONFERENCE
		of an election identification certificate after determining that the holder was not entitled to the certificate or gave incorrect or incomplete information in the application for the certificate. (h) Establishes that a certificate expires on a date specified by DPS, except that a certificate issued to a person 70 years of age or older does not expire. <i>[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]</i>
No equivalent provision.	SECTION __. Section 521.424, Transportation Code, is amended, prohibiting DPS from collecting a fee for a duplicate personal identification certificate from a person who is obtaining the certificate for the purpose of satisfying the identification requirements for voting and that the person does not have another acceptable form of identification. [FA45]	Same as Senate version.
SECTION 21. Repeals Sections 63.007 and 63.008, Election Code, effective January 1, 2012.	SECTION 21. Same as Senate version, except omits the January 1, 2012, effective date.	SECTION 21. Same as House version.
SECTION 22. Transition provision.	SECTION 22. Substantially the same as Senate version, except incorporates same effective date for the section that is provided in SECTION 26(b) of Senate version.	SECTION 22. Same as House version.
SECTION 23. Saving provision relating to the change in law made by the bill applicable to an offense.	SECTION 23. Same as Senate version, except specifies that the change in law is to Section 64.012(b), Election Code, as amended by the bill.	SECTION 23. Same as House version.
SECTION 24. Temporary provision relating to use of state funds for voter registration.	SECTION 24. Substantially the same as Senate version, except incorporates same effective date for the section that is	SECTION 24. Same as House version.
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Senate Bill 14
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SENATE VERSION	HOUSE VERSION	CONFERENCE
	provided in SECTION 26(b) of Senate version.	
SECTION 25. Establishes that the bill does not make an appropriation and takes effect only if a specific appropriation for the implementation of the bill is provided in a general appropriations act of the 82nd Legislature.	No equivalent provision.	Same as House version.
No equivalent provision.	SECTION __. Severability provision. [FA48]	SECTION 25. Same as House version.
SECTION 26. (a) Except as provided by Subsection (b) of this section, this Act takes effect January 1, 2012. (b) The changes in law made by Sections 3, 5, 6, 7, 11, 22, and 24 of this Act take effect September 1, 2011.	SECTION 25. Substantially the same as Senate version, except states as otherwise provided by this Act, rather than specifying sections that are effective September 1, 2011, since the effective dates are incorporated into the individual sections in the house version.	SECTION 26. Same as House version.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 5, 2011

TO: Honorable David Dewhurst, Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: SB14 by Fraser (Relating to requirements to vote, including presenting proof of identification; providing criminal penalties.), **Conference Committee Report**

Estimated Two-year Net Impact to General Revenue Related Funds for SB14, Conference Committee Report: a negative impact of (\$2,024,000) through the biennium ending August 31, 2013.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2012	(\$2,024,000)
2013	\$0
2014	\$0
2015	\$0
2016	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1
2012	(\$2,024,000)
2013	\$0
2014	\$0
2015	\$0
2016	\$0

Fiscal Analysis

The bill would exempt certain disabled voters from presenting additional identification for voting, other than the voter registration certificate, if the voter submits written document from the United States Social Security Administration evidencing the applicant has a disability or the Department of Veterans Affairs evidencing the applicant has a disability rating of at least 50 percent along with a statement that the applicant does not have an acceptable form of identification. The bill would also require voter registration certificates to contain an indication that the disabled voter is exempted from presenting additional identification, other than the voter registration certificate, before being accepted for voting.

The bill would require the voter registrar of each county to provide a notice of identification

requirements for voting with each initial voter registration certificate or renewal registration certificate issued. The Secretary of State (SOS) and the voter registrar of each county that maintains a website would be required to post on their websites, in each language in which voter registration materials are available, a notice of the identification requirements, and county clerks would be required to post a physical copy in each language voter registration materials are available. SOS would be required to prescribe the wording of these notices. SOS would also be required to establish a statewide effort to educate voters regarding the identification requirements for voting.

The bill would require training standards to include instructions on the acceptance and handling of the identification presented by a voter to an election officer and each election clerk would be required to complete this training.

The presiding judge at each polling place would be required to post in a prominent location outside of the location a list of the acceptable forms of identification and the list would have to be separate from any other notices.

The Secretary of State would be required to develop standards for accepting voters when determining whether the voter's name on the voter's form of identification is substantially similar when the name does not match exactly with the name on the list of registered voters and the voter submits an affidavit stating that the voter is the person on the list of registered voters.

The Secretary of State would be required to prescribe the wording for written notifications of the identification requirements for voting beginning with elections held after January 1, 2012 and election officers would be required to provide this written notification of voting identification requirements and information on obtaining identification without a fee to voters who do not meet identification requirements. This section would expire September 1, 2017.

The Secretary of State would be required to prescribe procedures for voters who provisionally vote without proper identification to present proof of identification to the voter registrar not later than the sixth day after the date of the election.

The bill would require the Department of Public Safety (DPS) to issue an election identification certificate (certificate) to a person who states that the person is obtaining the certificate to meet voting identification requirements and presents a valid voter registration certificate or submits a valid voter registration application. DPS would be prohibited from collecting a fee for the certificate or a duplicate certificate. The certificate would not be allowed to be used or accepted as a personal identification certificate. The certificate would be required to be similar in form to, but distinguishable in color from, a driver's license and a personal identification certificate. DPS and the Secretary of State would be allowed to cooperate in developing the form and appearance of the certificate. DPS would determine the expiration date of the certificate except that a certificate issued to a person 70 years of age or older would not expire.

The bill would repeal Sections 63.007 and 63.008 of the Election Code related to voters with incorrect certificates who are not on the voter list and voters without certificates who are not on the voter list.

The Secretary of State (SOS) would be required to adopt the training standards and to develop training materials as soon as practicable after September 1, 2011. Each county clerk would be required to provide a session of training using the standards adopted by and the materials developed by SOS as soon as practicable as well.

The bill would change an offense under this section after January 1, 2012 to a second degree felony from a third degree felony unless the person is convicted of an attempt, in which case, the offense would be a state jail felony instead of a Class A misdemeanor.

The bill would expand the uses of state funds disbursed under Chapter 19 of the Election Code to include additional expenses related to coordinating voter registration drives or other activities designed to expand voter registration. This section would expire January 1, 2013.

The bill would state that if any provision in the bill is found by a court to be invalid, the remainder of

the bill would be allowed to stand alone.

Certain sections would be effective September 1, 2011. The remainder of the bill would be effective January 1, 2012.

Methodology

The fiscal impact of the bill excluding technology costs is estimated to be \$2,000,000 million for fiscal year 2012 out of the General Revenue Fund. The estimate includes \$0.5 million to research and develop ways to inform the public of the new identification requirements. Additional costs are estimated to be \$1.5 million for media advertisements: television (\$750,000), radio (\$300,000), print (\$300,000), and internet (\$150,000). The Secretary of State indicates that federal funds associated with the Help America Vote Act (HAVA) may be available for use but the agency would first need to verify this with the federal government.

The Secretary of State would also be required to prescribe the wording for voter identification requirement notifications in each language voter registration materials are available, develop training materials on voter identification requirements, and develop standards for accepting voters when determining whether the voter's name on the voter's form of identification is substantially similar to the name on the list of registered voters. It is assumed that any fiscal implication associated with these responsibilities could be absorbed within existing resources.

The fiscal impact of expanding the uses of funds disbursed under Chapter 19 of the Election Code to include coordinating voter registration drives or other activities designed to expand voter registration is unknown because it is not known how many voter registration drives or other activities designed to expand voter registration would occur.

The fiscal impact of the costs from the prohibition of DPS to collect a fee for an election identification certificate and duplicate certificate issued to a person seeking the certificate for the purpose of voting is unknown because it is not known how many people would make a request for an election identification certificate for voting.

Technology

The technology fiscal impact of the bill is estimated to be \$24,000 for programming costs associated with creating an indicator on voter registration certificates for voters with certain disabilities. The notification would inform election officers at polling places that voters with certain disabilities are exempted from presenting additional identification other than the voter registration certificate. The Secretary of State indicates that federal funds associated with the Help America Vote Act (HAVA) may be available for use but the agency would first need to verify this with the federal government.

Local Government Impact

The bill would require counties to notify registered voters of changes online if the county maintains a website, at polling locations, and included with voter registration certificates. Election clerks would be required to undergo training regarding accepted forms of voter identification. The bill would also require an applicant who wishes to receive an exemption from certain voter identification requirements on the basis of disability to include with the person's application documentation that the applicant has been determined to have a disability.

Texas Association of Counties (TAC) gathered the following information from counties:

Bexar County stated that due to limited space on current registration certificates, larger cards would be necessary resulting in additional costs of \$381,256 for cards, printing and postage. Bexar County also reported costs of \$1,500 for providing voter ID informational posters in Spanish and English in 24-point font, and \$2,500 in new costs per election regarding printing new forms and provisional envelopes for information for voters not accepted for voting because of failure to present the required identification. Bexar County also anticipates \$50,000 in new costs associated with scanning disability

affidavits and another \$50,000 associated with being required to validate provisional envelopes.

Brazoria County estimated that the county clerk would be responsible \$1,500 in new costs to reprint provisional envelopes. The Brazoria County Tax Assessor-Collector anticipates \$40,159 in new costs associated with printing provisional envelopes, in addition to the costs of printing new voter information (Brazoria County reported that these costs would vary depending on the specific requirements of the information to be provided).

Tarrant County anticipated a one-time cost of \$8,000 to reprint provisional balloting materials and provide new notices.

Comal County anticipated approximately \$30,000 in new costs per election for staff at voting precincts and the early voting ballot board. The Comal County Tax Office reported costs of \$2,860 to print identification requirements, \$22,700 for envelopes, and \$19,880 for postage to comply with the provisions of the bill.


Source Agencies:

LBB Staff: JOB, SD, MS, BTA

Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on S. B. 14 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.


(name)

5-4-11
(date)

RE: Adoption of Conference Committee Report on
SB14-VOTER ID #123308686

Transcribed by Lynne M. Rodriguez, CSR



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JA_002898

TX_00056792

USA_00017780

LIEUTENANT GOVERNOR DEWHURST: The Chair
lays out the following resolution, Senate Resolution
Number 935 by Senator Fraser. The secretary will read
the resolution.

SECRETARY: Senate Resolution 935.
Suspending limitations on conference committee
jurisdiction on Senate Bill 14.

LIEUTENANT GOVERNOR DEWHURST: The chair
recognizes Senator Fraser to explain the resolution.

SENATOR FRASER: Members, Senate
Resolution 935 is an outside the bounds resolution.
This resolution will allow the conference committee
report on SB 14 to go outside the bounds to make a
couple of minor changes.

We have created a new free election ID to be
issued by the DPS instead of using a DPS issued personal
ID. This change was done at the request of TXDot.

With the creation of this new ID, we added it
to the list of identification that may be acceptable at
a poll location. We clarified the religious exemption,
exception language that Senator Duncan added as a Senate
floor amendment and then we made conforming changes, and
I would answer any questions anyone would have.

LIEUTENANT GOVERNOR DEWHURST: Senator
Ellis, for what purpose you rise, sir?



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1 MR. ELLIS: To ask of questions of
2 questions.

3 LIEUTENANT GOVERNOR DEWHURST: Will
4 Senator Fraser yield?

5 SENATOR FRASER: I will yield.

6 SENATOR ELLIS: This is a vote ID bill, I
7 assume.

8 SENATOR FRASER: This is the out of
9 bounds resolution to the voter ID bill, photo voter ID
10 bill, Senate Bill 14.

11 SENATOR ELLIS: And can you walk us
12 through again a little slower and tell us what you're
13 trying to do?

14 SENATOR FRASER: The out of bounds
15 resolution, we had a request by TXDot and we have
16 created a new free election ID to be issued by DPS
17 instead of using a DPS issued personal ID.

18 SENATOR ELLIS: And how much will it
19 cost?

20 SENATOR FRASER: There's no significant
21 cost on it.

22 SENATOR ELLIS: There's no significant
23 cost to create a new voter ID?

24 SENATOR FRASER: It's in replacement of
25 the one they were doing.



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JA_002900

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1 SENATOR ELLIS: And what else are you
2 doing on page two here?

3 SENATOR FRASER: We changed the
4 verbiage. We had to add this new ID to the list of
5 things that would be accepted at the poll location.

6 SENATOR ELLIS: And what else are you
7 doing?

8 SENATOR FRASER: We clarified the
9 religious exemption language that Senator Duncan added
10 as a floor amendment.

11 SENATOR ELLIS: That would be the top of
12 page three and then at the bottom of page three is this
13 identification certificate?

14 SENATOR FRASER: Senator, one second.

15 SENATOR ELLIS: Yes, I'm looking at the
16 resolution, on page three. So the bottom of page three
17 is what I was asking about, where it has, "Election
18 Identification Certificate."

19 SENATOR FRASER: Got it, and I'm sorry,
20 my ears are not working well today. You may need to --

21 You're asking about the language on the
22 bottom of page two of the -- Yes.

23 SENATOR ELLIS: Page three.

24 SENATOR FRASER: Page three?

25 SENATOR ELLIS: Yes, the bottom of page



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1 three. So that's the identification certificate?

2 SENATOR FRASER: That is the -- that is
3 the question you asked about the DPS election
4 identification?

5 SENATOR ELLIS: Okay. And then I see on
6 page four, "Certificate expires on a date specified by
7 the department, except that a certificate issued to a
8 person 70 years of age or older does not expire."

9 Is that a change, when you don't let the
10 certificate expire for someone older than 70?

11 SENATOR FRASER: Let me clarify
12 something. And I'm being advised that that just says
13 that anyone that has an identification certificate, when
14 they reach 70, will not expire.

15 SENATOR ELLIS: Okay. I just, I want to
16 make sure so that the members do know that by this
17 resolution to go outside the bounds, what you're going
18 to do is move that expiration date up to 70 instead of
19 65. I think in your original bill, you had it at 65, so
20 this moves it up to 70.

21 SENATOR FRASER: It's always been 70, I
22 believe. We just picked this language up and it is just
23 saying that someone 70 years of age, their certificate
24 will not expire.

25 SENATOR ELLIS: I'm just trying to figure



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1 out -- I knew it was a bad bill, I'm just trying to
2 decide, by going outside the bounds, if you're making it
3 any worse of is this just the same bad bill you had
4 before. I'll ask the Secretary of State. I'll ask the
5 Secretary of State.

6 LIEUTENANT GOVERNOR DEWHURST: Senator
7 Van de Putte, for what purpose do you rise?

8 SENATOR VAN DE PUTTE: To ask some
9 questions of the author of the resolution.

10 LIEUTENANT GOVERNOR DEWHURST: Will the
11 Senator Fraser yield to Senator Van de Putte?

12 SENATOR VAN DE PUTTE: It's okay
13 senator. I'll wait until you're --

14 SENATOR FRASER: I may be able to hear
15 you. My ears are not working today so let's try it
16 without it first.

17 SENATOR VAN DE PUTTE: Okay. Thank you,
18 Senator Fraser. Just a few questions. This new
19 election certificate, or it's an election ID, will be
20 able to be obtained at any DPS office?

21 SENATOR FRASER: That is correct.

22 SENATOR VAN DE PUTTE: So any place now
23 where someone can go for either a driver's license or an
24 identification card, they will also be able to go to get
25 an election certificate?



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1 SENATOR FRASER: That is correct.

2 SENATOR VAN DE PUTTE: Will the same
3 identification or document requirements be requested for
4 an election identification certificate as is right now
5 an ID from the Department of Public Safety?

6 SENATOR FRASER: Yes.

7 SENATOR VAN DE PUTTE: And since, in our
8 -- I think it's in our DPS code right now, it says it
9 could be used a photo, or there is a biometric
10 identifier. Your's is restricted to photo on this, but
11 is not another biometric identifier?

12 SENATOR FRASER: I was about to ask to
13 see if Senator Williams wanted to answer that. I'm
14 sorry, I don't know the answer to that question. We
15 could.

16 Could I yield to Senator Williams,
17 please, on that question?

18 SENATOR VAN DE PUTTE: Absolutely. If
19 somebody would recognize Mr. Williams.

20 SENATOR FRASER: Mr. President, would you
21 allow me to yield to Senator Williams to answer her
22 question?

23 LIEUTENANT GOVERNOR DEWHURST: Senator
24 Williams is recognized.

25 SENATOR WILLIAMS: Thank you. Senator



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1 Van de Putte, I believe they're requiring a photo ID
2 here. The personal identification card or your
3 identification card has biometric identification. This
4 does not; cannot be used for any other purpose than to
5 go vote, so a photo will suffice, but I think usually
6 the biometric information is in the form of a
7 photograph, and so it's just encoded into the
8 photograph, so I don't think that, from a practical
9 standpoint, anyone is going to see any difference.

10 SENATOR VAN DE PUTTE: Okay. Thank you
11 very much. I thought it was a photo, but since some of
12 the code in DPS statute does allow for a biometric, but
13 this biometric is the photo, I appreciate that.

14 My other question, Senator Fraser, is on
15 page three. Let me see if I understand the out of
16 bounds legislation, how it's going to work.

17 If the voter does not meet the
18 identification requirements --

19 SENATOR FRASER: I'm sorry, where are
20 you?

21 SENATOR VAN DE PUTTE: Top of page three,
22 line two, section A.

23 SENATOR FRASER: Okay, which line?

24 SENATOR VAN DE PUTTE: Line 2, top of the
25 page.



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1 SENATOR FRASER: Okay.

2 SENATOR VAN DE PUTTE: Let me see if I
3 follow this correctly. So a voter that's going to be
4 voting provisional because they do not have the
5 identification requirements, so they don't have a photo
6 ID, they don't meet the requirements of the new law, not
7 later than the sixth day, they have to come back and
8 show a form of identification that are all the different
9 forms there, or they can just execute an affidavit
10 described?

11 SENATOR FRASER: Yes.

12 SENATOR VAN DE PUTTE: Okay. So they
13 come back -- This is what I don't understand.

14 So if you're going to vote provisionally
15 because you don't have an identification with a photo,
16 you can either come back within six days or you can just
17 execute an affidavit?

18 SENATOR FRASER: That is correct.

19 SENATOR VAN DE PUTTE: And now this new
20 election identification certificate, would you imagine
21 that the requirements for expiration date on that would
22 be similar to what is currently the time frame for
23 expiration of driver's license or IDs?

24 SENATOR FRASER: I believe that is
25 correct, except with H, and the certificate expires on



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1 the date specified with the department, except the
2 certificate issued to a person 70 years of age or older
3 does not expire, so if you're at 70, then once you reach
4 70, it does not expire.

5 SENATOR VAN DE PUTTE: Thank you,
6 Senator. I don't have any other questions. Thank you
7 very much.

8 NEW SPEAKER: Mr. President, would the
9 gentleman yield?

10 NEW SPEAKER: I'll be glad to yield.

11 LIEUTENANT GOVERNOR DEWHURST: Senator
12 Whitmire is recognized.

13 NEW SPEAKER: Would the gentleman yield?

14 LIEUTENANT GOVERNOR DEWHURST: Will
15 Senator Fraser yield to Senator Whitmire?

16 SENATOR FRASER: Yes, I will yield.

17 SENATOR WHITMIRE: You're using your
18 phone while you're trying to talk to me?

19 SENATOR FRASER: I am. I multi-task.

20 SENATOR WHITMIRE: There probably ought
21 to be a law against there. Senator Fraser, help me
22 understand how those who need the ID through the DPS
23 will access those facilities.

24 Repeatedly in Finance, we hear testimony,
25 certainly in Harris County, it talks two or three hours



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1 to get a driver's license renewal or the initial
2 document. In fact, Senator Williams has a very
3 promising project to do some megacenters. We've raised
4 a significant number of fees to pay for it, but as I
5 talk to you today, is it not a real possibility, in
6 fact, a probability, that folks who are now under the
7 voter ID that are going to need a new driver's license,
8 state ID for purposes to vote, are probably looking up
9 at to a three hour wait to get that document?

10 SENATOR FRASER: The data that I remember
11 from the hearings showed that it is in the mid to high
12 90 percentage-wise of the people that already have an
13 ID, one of the forms acceptable, so we're expecting the
14 bulk --

15 SENATOR WHITMIRE: Obviously if you have
16 one, this wouldn't apply, but those that are now voting
17 most of their lives without these document, now you're
18 going to require everyone to have one, and your
19 legislation provides for a state ID through the DPS.
20 And are you familiar with the lines in Houston, up to
21 three hours, just to get basic driver's license renewals
22 and new driver's license permits?

23 SENATOR FRASER: And my understanding is
24 that Senator Williams is attempting to address that, and
25 I understand in Houston, it may be a problem, but that's



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1 not true statewide. I renewed mine in Marble Falls this
2 year and it took me about four minutes.

3 SENATOR WHITMIRE: Well, I'm glad the
4 people in Marble Falls don't have a three hour wait like
5 we do in Harris County. Also I think there was
6 testimony that some of the inquiries to the office is
7 80,000 calls, and Tommy Williams would have to help me,
8 it's either a month or a year, I think it's a month,
9 yes, that go unanswered at the DPS offices.

10 Let me ask about the distance that some
11 remote areas or less dense areas of west Texas would
12 have to travel to get your new document. The sonogram
13 bill allowed a hundred mile exemption. If you have to
14 travel a hundred miles to have a sonogram, you're not
15 covered by that legislation, or certainly you don't have
16 the 24 hour requirement. If you have to travel over a
17 hundred miles in west Texas to get this voter ID
18 document, are you still going to have to do it or you
19 got some consideration for the Senator Uresti exception
20 the sonogram bill got?

21 I would think the right to vote is
22 pretty -- may not be as high as a priority as the
23 sonogram bill to some folks on this floor but I think
24 the precious right and your freedom to exercise your
25 right to vote would be almost that important, it



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1 certainly is to me. So what about the remote areas of
2 west Texas where you might not have a DPS office for
3 hundreds of miles?

4 SENATOR FRASER: Again, DPS, we've asked
5 them to look at that to attempt to address, and
6 obviously we're going everything we can to not --

7 SENATOR WHITMIRE: Well, let me just ask
8 you, are you not worried about the unintended
9 consequences of this legislation? I mean, obviously you
10 got the votes to pass it this morning, but you're not
11 worried about people who just don't have the time to
12 take off work in the more urban settings, where there's
13 more long lines, and the remote areas, so you think
14 there's some unattended consequences that would keep
15 people from exercising their right to vote?

16 SENATOR FRASER: We are very confident
17 that these people will, you know, exercise their both
18 right and they will get the ID's and we believe they
19 will vote.

20 SENATOR WHITMIRE: Is there any kind of
21 transition period where people, if they find themselves
22 unable to, they're still going to be able to vote? You
23 know, I think the Justice Department might kind of frown
24 on any barriers such as distance or the unavailability
25 of offices in urban areas, being able to exercise your



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1 right to vote.

2 I don't think the writers of our
3 Constitution ever anticipated for you to vote and
4 exercise that precious freedom having to travel across
5 Texas to get a permit to be able to vote, or go wait in
6 align in my district for three hours. That probably
7 violates two or three Constitutional rights, would you
8 not agree?

9 SENATOR FRASER: We believe that the bill
10 is drafted that people will be able to comply.

11 SENATOR WHITMIRE: Have you checked with
12 the Justice Department on these requirements and the
13 requirement to wait in line for three hours not to vote
14 but to get the permit which would then you allow you to
15 go vote?

16 SENATOR FRASER: Well, we believe
17 everybody will be able to get an ID and be able to vote.

18 SENATOR WHITMIRE: Okay. Well, thank you
19 for answering my questions.

20 LIEUTENANT GOVERNOR DEWHURST: Members,
21 the question before us is the adoption of the
22 resolution, Senate Resolution Number 935.

23 If there's no further questions, the
24 secretary will call the role.

25 SECRETARY: Birdwell, Carona, Davis.



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1 Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos,
2 Harris, Hegar, Hinajosa, Huffman, Jackson, Lucio,
3 Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger,
4 Shapiro, Uresti, Van de Putte, Watson, Wentworth, West,
5 Whitmire, Williams, Zaffirini.

6 LIEUTENANT GOVERNOR DEWHURST: Members,
7 there being 19 "I's" and 12 "Nay's," the resolution is
8 adopted.

9 The Chair recognizes Senator Fraser for a
10 motion on the conference committee report on Senate Bill
11 14.

12 SENATOR FRASER: Members, the Senate Bill
13 14, the bill that passed out of the Senate that that
14 almost virtually everything that was in that bill
15 carried forward, the conference committee report, the
16 committee has agreed on the following: Require voters
17 to show a photo ID except that certain disabled people
18 may continue to vote with just their voter registration
19 card. Except by photo ID includes an unexpired card by
20 DPS. For most of us, this will be a driver's license, a
21 military ID, a passport, a CHL or a citizenship
22 certificate with photo. Require the DPS to provide a
23 free photo election ID.

24 This is a new format to any requested
25 voter who requests an ID.



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1 Allow voter to cast a provisional vote if
2 he or she does not have a photo ID and return within six
3 days to have the ballots counted. Provides a
4 provisional ballot to be counted if voters show
5 acceptable photo ID or signed affidavit that voter has
6 religious exemption to getting photo taken or lost ID
7 during recent natural disaster.

8 It requires the Secretary of State and
9 voter registrars to educate the public and train
10 election workers on the new requirements, including
11 mailing notice to each vote and posting notice outside
12 all polling places. It increases the criminal penalty
13 for illegal voting, which is mandatory jail time.

14 If there's no other questions, I would
15 move adoption of the conference committee report on
16 Senate Bill 14.

17 LIEUTENANT GOVERNOR DEWHURST: Members,
18 Senator Fraser moves the adoption of the conference
19 committee report on Senate Bill 14. If there's no
20 additional questions, the secretary will call the role.

21 SECRETARY: Birdwell, Carona, Davis.
22 Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos,
23 Harris, Hegar, Hinajosa, Huffman, Jackson, Lucio,
24 Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger,
25 Shapiro, Uresti, Van de Putte, Watson, Wentworth, West,



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1 Whitmire, Williams, Zaffirini.

2 LIEUTENANT GOVERNOR DEWHURST: Members,
3 there being 19 "I's" and 12 "Nay's," the conference
4 committee report on Senate Bill 14 is adopted. Thank
5 you, Members.

6 (End of CD.)
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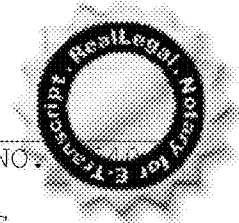
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SECTION 1:46 :00 TO 2:08:30

MAY 09, 2011

19

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acceptable	answering	best	certificate	conforming
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